

IIN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

5275 Leesburg Pike, MS: IRTM Falls Church, VA 22041



August 22, 2019

Via email: foia@americanoversight.org

Austin Evers, Executive Director American Oversight 1030 15th Street NW, Suite B255 Washington, D.C. 20005

Dear Mr. Evers:

The United States Fish and Wildlife Service Headquarters Freedom of Information Act (FOIA) Office received your FOIA request dated December 6, 2018, and assigned it control number FWS-2019-00219. Please cite this number in any future communications with our office regarding your request.

You requested the following:

"1. All records reflecting communications (including email messages, email attachments, calendar entries/invitations) between any of the custodians listed below and any of the following individuals (including emails where any custodian is copied or blind copied):

- a. Senator John Barrasso or any staffer or representative of Senator Barrasso (including any email address ending in @barrasso.senate.gov)
- b. Senator James Inhofe or any staffer or representative of Senator Inhofe (including any email address ending in @inhofe.senate.gov)
- c. Senator Mike Lee or any staffer or representative of Senator Lee (including any email address ending in @lee.senate.gov)
- d. Representative Rob Bishop or any staffer or representative of Representative Bishop (including but not limited to emails to or from rob.bishop@mail.house.gov)
- e. Representative Pete Olson or any staffer or representative of Representative Olson (including but not limited to emails to or from pete.olson@mail.house.gov)
- f. Representative Dan Newhouse or any staffer or representative of Representative Newhouse (including but not limited to emails to or from dan.newhouse@mail.house.gov)
- g. Representative Louie Gohmert or any staffer or representative of Representative Gohmert (including but not limited to emails to or from louie.gohmert@mail.house.gov)



- h. Representative Bill Huizenga or any staffer or representative of Representative Huizenga (including but not limited to emails to or from bill.huizenga@mail.house.gov)
- i. Representative Andy Biggs or any staffer or representative of Representative Biggs (including but not limited to emails to or from andy.biggs@mail.house.gov)
- j. Representative Steve Pearce or any staffer or representative of Representative Pearce (including but not limited to emails to or from steve.pearce@mail.house.gov)
- k. Representative Scott Tipton or any staffer or representative of Representative Tipton (including but not limited to emails to or from scott.tipton@mail.house.gov)
- l. Representative Bruce Westerman or any staffer or representative of Representative Westerman (including but not limited to emails to or from bruce.westerman@mail.house.gov)
- m. Representative Don Young or any staffer or representative of Representative Young (including but not limited to emails to or from don.young@mail.house.gov)
- n. Representative Ralph Norman or any staffer or representative of Representative Norman (including but not limited to emails to or from ralph.norman@mail.house.gov)
- o. Representative Mike Johnson or any staffer or representative of Representative Johnson (including but not limited to emails to or from mike.johnson@mail.house.gov)
- p. Representative Paul Gosar or any staffer or representative of Representative Gosar (including but not limited to emails to or from paul.gosar@mail.house.gov)
- q. Representative Tom McClintock or any staffer or representative of Representative McClintock (including but not limited to emails to or from tom.mcclintock@mail.house.gov)
- 2) All records reflecting communications (including email messages, email attachments, calendar entries/invitations) <u>sent</u> by any of the custodians listed below to any person or entity outside of DOI and its components (including emails on which such entities are copied or blind copied) containing any of the following terms:
 - a. "endangered species"
 - b. "threatened species"
 - c. "listed species"
 - d. ESA
 - e. delist
 - f. "de-list"
 - g. downlist
 - h. "best scientific and commercial data"
 - i. "recovery teams"
 - *j.* "species recovery"
 - k. "economic loss"
 - l. "economic impact"
 - m. "disturbance and destruction"



FWS may limit its search to:

- Margaret Everson, Principal Deputy Director Exercising the Authority of the Director
- Jim Kurth, Deputy Director
- Steve Guertin, Deputy Director
- Greg Sheehan, Former Deputy Director
- Zach Gambill, Advisor

Please provide all responsive records from January 20, 2017, to the date the search is conducted.

In addition to the records requested above, American Oversight also requests records describing the processing of this request, including records sufficient to identify search terms used, locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request."

On December 25, 2018, you narrowed the scope of Part 2 of your request via email to the following: "Please limit searches for Item 2 to email addresses ending in .com, .org, .net, .edu, .biz, and who.eop.gov."

Response

We are writing with a final response to your request. Part 1 of your request had no responsive records. Enclosed is one binder containing five-hundred and sixty-six (566) pages pertaining to Part 2 of your request, which are released in part as described below:

Exemption 5—43 C.F.R. §§ 2.23, .24

Exemption 5 allows an agency to withhold "inter-agency or intra-agency memorandums or letters which would not be available by law to a party... in litigation with the agency." <u>5 U.S.C.</u> § <u>552(b)(5)</u>. Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, attorney-client, and commercial information privileges.

Deliberative Process Privilege

One (1) page is released but withheld in part under the deliberative process privilege, which protects the decision-making process of government agencies and encourages the frank exchange of ideas on legal or policy matters by ensuring agencies are not forced to operate in a fish bowl. A number of policy purposes have been attributed to the deliberative process privilege. Among the most important are to: (1) assure that subordinates will feel free to provide the decisionmaker with their uninhibited opinions and recommendations; (2) protect against premature disclosure of proposed policies; and (3) protect against confusing the issues and misleading the public.



The deliberative process privilege protects materials that are both predecisional and deliberative. The privilege covers records that reflect the give-and-take of the consultative process" and may include "recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency.

The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative. They do not contain or represent formal or informal agency policies or decisions. They are the result of frank and open discussions among employees of the Department of the Interior. Their contents have been held confidential by all parties and public dissemination of this information would have a chilling effect on the agency's deliberative processes; expose the agency's decision-making process in such a way as to discourage candid discussion within the agency, and thereby undermine its ability to perform its mandated functions.

The deliberative process privilege does not apply to records created 25 years or more before the date on which the records were requested.

Commercial Information Privilege

Thirty-five (35) page are released but withheld in part under the commercial information privilege. When the government enters the marketplace as an ordinary commercial buyer or seller, the government's information is protected under the commercial information privilege if it is sensitive information not otherwise available, and disclosure would significantly harm the government's monetary functions or commercial interests. The theory behind the privilege is that the government may be placed at a competitive disadvantage or the consummation of a contract may be endangered if confidential information generated by the government is disclosed.

The information withheld under this privilege consists of active conference call telephone numbers and access codes, which could be used to conduct conference calls by parties outside the government or used to call in to monitor internal government conversations. We are withholding it because disclosure to the public would chill communications between federal employees and harm the government's ability to exchange information.

Exemption 6 5 U.S.C. § 552(b)(6)

Eighty-seven (87) pages are released but withheld in part under Exemption 6, which allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." <u>5 U.S.C.</u> § 552(b)(6).

The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency's performance of its statutory duties or otherwise let citizens 'know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed



against one another to determine which is the greater result of disclosure - the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Connie Rose, FWS FOIA Coordinator, is responsible for this partial denial. Larry Mellinger, Attorney-Advisor, in the Office of the Solicitor was consulted.

We searched our eMail Enterprise Records and Document Management System (eERDMS) for emails both sent and received by the following custodians: Margaret Everson (internal and external email), Jim Kurth, Steve Guertin, Greg Sheehan (internal and external email), and Zachariah Gambill. The search for Part 1 of your request did not contain any keywords. The search for Part 2 included the following keywords: "endangered species" OR "threatened species" OR "listed species" OR "ESA" OR "delist" OR "de-list" OR "downlist" OR "best scientific and commercial data" OR "recovery teams" OR "species recovery" OR "economic loss" OR "economic impact" OR "disturbance and destruction". Here are the notes from the tracking sheet for processing this request:

3/25/2019: SC: drafted ack-fee waiver letter; sent to Carrie for review. 3/26/19: Sent acknw/fee letter to requester via hq foia inbox. 7/16/19: Ran complex query search in eERDMs for part 1 of request – no records found. Ran complex query search in eERDMS for part 2 of request – 310 emails found. Preprocessed records, ready for review. Started review. 7/18/19: Completed review. Sent WHO consult to Cindy, 2 pgs, b6 and b5 CIP, mostly the same as 17-238. Sent 2 pgs involving a senator to Andreas to send to CLA as awareness only – not a consult – to be released in full if they want to notify the senator. 8/1/19: Reply from Cindy on WHO consult - ok, cleared. Sent to SOL for review and surname. 8/5/19: Surname back from SOL, sent to Melissa for review. 8/13/19: Reply from Melissa - ok. Sent to Cathy for review, surname, political and EA awareness. 8/19/19: Ok to release 8/22/19.

Appeal Rights

You may appeal this partial response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal <u>no later</u> than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.



Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the FWS's response is in error. You must also include with your appeal copies of all correspondence between you and the FWS concerning your FOIA request, including your original FOIA request and the FWS's response. Failure to include with your appeal all correspondence between you and the FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines, in the FOIA/Privacy Act Appeals Officer's sole discretion, that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information
Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office

Telephone: 202-208-5339 Fax: 202-208-6677 Email: FOIA.Appeals@sol.doi.gov

For more information on FOIA Administrative Appeals, you may review the Department's FOIA regulations at 43 C.F.R. Part 2, Subpart H.

Mediation Services

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Web: https://ogis.archives.gov
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.



You also may seek dispute resolution services from our FOIA Public Liaison, Cathy Willis at (720) 425-5173.

Conclusion

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See <u>5 U.S.C. 552(c)</u>. This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

This letter completes our response to your request. If you have any questions, you may contact me by phone at (703) 358-2470 or by email at <u>connie rose@fws.gov</u>.

Sincerely,

Date:

Connie Rose 2019.08.22

08:26:52 -05'00'

Connie Rose

FWS FOIA Coordinator

Enclosure



To: stephen_guertin@fws.gov; gary_frazer@fws.gov; steve@stevethompsonllc.com; aurelia_skipwith@ios.doi.gov;

jim kurth@fws.gov

Subject: Canceled event: Meeting re: Dunes Sagebrush Lizard and Lesser Prairie Ch... @ Mon Nov 13, 2017 1pm - 2pm

(stephen_guertin@fws.gov)

Attachments: invite.ics

This event has been canceled and removed from your calendar.

Meeting re: Dunes Sagebrush Lizard and Lesser Prairie Chicken (Greg Sheehan, Myles Culhane, Occidental Petroleum; Ron Schindler, Pioneer Resources; Ben Shepperd, President, Permian Basin Petroleum Association; Todd Staples, President, Texas Oil & Gas Association; Robert Ready,

On Tue, Oct 31, 2017 at 6:26 PM, steve@stevethompsonllc.com <mailto:steve@stevethompsonllc.com> wrote: Roslyn & Thomas:

The group below would like to meet with Greg on Nov. 13 from 1-2 pm, if that is still open. I will be in Sacramento and sorry but will miss this meeting.

Myles Culhane, Occidental Petroleum Ron Schindler, Pioneer Resources Ben Shepperd, President, Permian Basin Petroleum Association Todd Staples, President, Texas Oil & Gas Association Robert Ready, Concho Resources

I have worked with these people for years and they have some exceptional experience doing and supporting voluntary conservation efforts, especially pre-listing conservation for many years. They helped develop conservation agreements for the DSL and LPC, and successfully convinced others to support pre-listing conservation. They want to find solutions that are sustainable for the species, habitat and business interest before an ESA listing becomes the last conservation strategy.

A more complete agenda will be provided soon, but they want to visit with Greg about are:

- 1. Dunes sagebrush lizard: What industry and the Texas Comptroller are doing for the species and habitat in Texas and New Mexico, to minimize and offset habitat impacts, get sand miners into the Texas Conservation Plan, and hopefully prevent the need to list species. They met with R2 Director Amy Leuders about this in late September and she was very receptive to collaborative conservation efforts that involve industry and the state agencies.
- 2. Lesser prairie-chicken: The real world successes of the WAFWA Five State Range-wide Plan and other conservation like the New Mexico CCA and CCAA, and concern about the ongoing SSA and its impact on any listing decision. Several of the folks at this meeting were key leaders in the oil and gas industry as we started this successful conservation strategy several years back. They helped pull together many others to the table and helped us come to one of the best conservation efforts every accomplished.

They would also like to meet with Aurelia Skipwith and Jason Larrabee to let them know of the current progress and future potential conservation progress within the Department of Interior.

Roslyn, Thanks for pulling this together.

Steve

steve@stevethompsonllc.com < mailto: steve@stevethompsonllc.com > 916-600-5227

When Mon Nov 13, 2017 1pm – 2pm Eastern Time

Where Room 3038 (map https://maps.google.com/maps?q=Room+3038&hl=en)

Video call https://plus.google.com/hangouts/_/doi.gov/greg-j-sheehan <a href="https://plus.google.com/hangouts/_/doi.gov/greg-j-sheehan?https://plus.google.com/hangouts/_/doi.gov/greg-j-sheehan/https://plus.google.com/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sh

Calendar stephen_guertin@fws.gov

Who • greg_j_sheehan@fws.gov - organizer

- roslyn_sellars@fws.gov creator
- $\bullet \ stephen_guertin@fws.gov\\$
- gary_frazer@fws.gov
- $\bullet\ steve @ steve thomps on llc.com$
- $\bullet \ aurelia_skip with @ios.doi.gov$
- jim_kurth@fws.gov

Invitation from Google Calendar https://www.google.com/calendar/

You are receiving this email at the account thomas_irwin@fws.gov because you are subscribed for cancellations on calendar stephen_guertin@fws.gov.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar. Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More

https://support.google.com/calendar/answer/37135#forwarding>..



To: steve@stevethompsonllc.com; aurelia skipwith@ios.doi.gov; jim kurth@fws.gov; stephen guertin@fws.gov;

gary frazer@fws.gov

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916-600-5227

When Mon Nov 13, 2017 1pm - 2pm Eastern Time

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hceid=Z3JlZ19qX3NoZWVoYW5AZndzLmdvdg.5qjhbdluve5moe1oa9teir34f0>

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Invitation from Google Calendar https://www.google.com/calendar/

You are receiving this email at the account thomas_irwin@fws.gov because you are subscribed for cancellations on calendar

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- stephen_guertin@fws.gov

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To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar. Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More

 $<\!\!\text{https://support.google.com/calendar/answer/37135\#forwarding}\!\!>.$



To: jim kurth@fws.gov; aurelia skipwith@ios.doi.gov; stephen guertin@fws.gov; steve@stevethompsonllc.com;

gary frazer@fws.gov

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Steve

steve@stevethompsonllc.com < mailto: steve@stevethompsonllc.com > 916-600-5227

When Mon Nov 13, 2017 1pm – 2pm Eastern Time

Where Room 3038 (map https://maps.google.com/maps?q=Room+3038&hl=en)

Video call https://plus.google.com/hangouts/_/doi.gov/greg-j-sheehan <a href="https://plus.google.com/hangouts/_/doi.gov/greg-j-sheehan?https://plus.google.com/hangouts/_/doi.gov/greg-j-sheehan/https://plus.google.com/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sheehan/hangouts/_/doi.gov/greg-j-sh

Calendar aurelia_skipwith@ios.doi.gov

Who • greg_j_sheehan@fws.gov - organizer

- roslyn_sellars@fws.gov creator
- jim_kurth@fws.gov
- aurelia_skipwith@ios.doi.gov
- stephen_guertin@fws.gov
- $\bullet \ steve @ steve thomps on llc. com \\$
- gary_frazer@fws.gov

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To: stephen guertin@fws.gov; gary_frazer@fws.gov; steve@stevethompsonllc.com; aurelia_skipwith@ios.doi.gov;

jim kurth@fws.gov

Subject: Canceled event: Meeting re: Dunes Sagebrush Lizard and Lesser Prairie Ch... @ Mon Nov 13, 2017 1pm - 2pm

(stephen_guertin@fws.gov)

Attachments: invite.ics

This event has been canceled and removed from your calendar.

Meeting re: Dunes Sagebrush Lizard and Lesser Prairie Chicken (Greg Sheehan, Myles Culhane, Occidental Petroleum; Ron Schindler, Pioneer Resources; Ben Shepperd, President, Permian Basin Petroleum Association; Todd Staples, President, Texas Oil & Gas Association; Robert Ready,

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Calendar stephen_guertin@fws.gov

Who • greg_j_sheehan@fws.gov - organizer

- roslyn_sellars@fws.gov creator
- stephen_guertin@fws.gov
- · gary_frazer@fws.gov
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To: jim kurth@fws.gov; aurelia skipwith@ios.doi.gov; stephen guertin@fws.gov; steve@stevethompsonllc.com;

gary frazer@fws.gov

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Calendar aurelia_skipwith@ios.doi.gov

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Calendar gary_frazer@fws.gov

Who • greg_j_sheehan@fws.gov - organizer • roslyn_sellars@fws.gov - creator

- jim_kurth@fws.gov
- · gary_frazer@fws.gov
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To: @outlook.com; gary_frazer@fws.gov

Cc: lois wellman@fws.gov; amy lueders@fws.gov; kashyap patel@fws.gov; oiea@ios.doi.gov;

matt hogan@fws.gov; noreen walsh@fws.gov

Subject: Canceled event: Meeting with the Western Energy Alliance re: Mitigation, ... @ Tue Apr 24, 2018 2:15pm -

3:15pm (MDT) (matt_hogan@fws.gov)

Attachments: invite.ics

This event has been canceled and removed from your calendar.

Meeting with the Western Energy Alliance re: Mitigation, ESA, Sage Grouse, Lesser Prairie Chicken, Texas Hornshell, Section 7-NEPA (Greg, Gary, R2, R6 staff unavailable) - Rm 3038

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- ESA petition process
- Great Sage-Grouse
- Lesser Prairie Chicken
- Texas Hornshell
- Sue-and-settle

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- Jeff Lang (BIP Energy)
- Clayton Miller (NP Energy Services)
- Kim Rodell (Upstream Petroleum Management)
- Pam Roth (EOG Resources)
- Greg Schrap (SM Energy)
- Tim Stewart (WEA DC Representative)
- And other WEA staff tbd.

Please get back to me as soon as you can. Thank you so much for your time, and I look forward to hearing from you!

Best.

Benjamin N. Willmore

@outlook.com <mailto @outlook com> When Tue Apr 24, 2018 2:15pm - 3:15pm Mountain Time

Where~Rm~3038~(map < https://maps.google.com/maps?q=Rm+3038&hl=en>)

Video call https://hangouts.google.com/hangouts/_doi.gov/greg-j-sheehan https://hangouts.google.com/hangouts/_doi.gov/greg-j-sheehan? hceid=Z3JlZ19qX3NoZWVoYW5AZndzLmdvdg.3a96un4hndaua57pfc9ofbd5jd>

Calendar matt_hogan@fws.gov

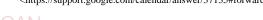
Who • greg_j_sheehan@fws.gov - organizer

.gov - creator @outlook.com

- · lois_wellman@fws.gov optional
- · amy_lueders@fws.gov optional
- kashyap_patel@fws.gov optional
- · oiea@ios.doi.gov optional
- matt_hogan@fws.gov optional
- · noreen_walsh@fws.gov optional

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To: outlook.com; gary frazer@fws.gov

Cc: amy lueders@fws.gov; lois wellman@fws.gov; noreen walsh@fws.gov; kashyap patel@fws.gov;

matt hogan@fws.gov; oiea@ios.doi.gov

Subject: Canceled event: Meeting with the Western Energy Alliance re: Mitigation, ... @ Tue Apr 24, 2018 2:15pm -

3:15pm (MDT) (noreen_walsh@fws.gov)

Attachments: invite.ics

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Calendar noreen_walsh@fws.gov

Who • greg_j_sheehan@fws.gov - organizer

- thomas irwin@fws.gov creator
- (b) (6) outlook.com
- gary_frazer@fws.gov
- $\bullet \ amy_lueders@fws.gov optional$
- lois_wellman@fws.gov optional
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- matt_hogan@fws.gov optional
- oiea@ios.doi.gov optional

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gary frazer@fws.gov; To: outlook.com

Cc: matt hogan@fws.gov; oiea@ios.doi.gov; noreen walsh@fws.gov; lois wellman@fws.gov;

kashyap patel@fws.gov; amy lueders@fws.gov

Subject: Canceled event: Meeting with the Western Energy Alliance re: Mitigation, ... @ Tue Apr 24, 2018 4:15pm -

5:15pm (EDT) (oiea@ios.doi.gov)

invite.ics Attachments:

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Calendar oiea@ios.doi.gov

Who • greg_j_sheehan@fws.gov - organizer

- thomas_irwin@fws.gov creator
- gary frazer@fws.gov
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Attachments: invite.ics

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Meeting with the Western Energy Alliance re: Mitigation, ESA, Sage Grouse, Lesser Prairie Chicken, Texas Hornshell, Section 7-NEPA (Greg, Gary, R2, R6 staff unavailable) - Rm 3038

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- * Great Sage-Grouse
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- * Greg Schrap (SM Energy)
- * Tim Stewart (WEA DC Representative)
- * And other WEA staff tbd.

Please get back to me as soon as you can. Thank you so much for your time, and I look forward to hearing from you!

Best,

Benjamin N. Willmore

(801)-652-7441

outlook.com <mailto (b) (c) outlook com>
When Tue Apr 24, 2018 2:15pm – 3:15pm Mountain Time

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Calendar amy_lueders@fws.gov

Who • greg_j_sheehan@fws.gov - organizer

- thomas irwin@fws.gov creator
- (b) (6) outlook.com
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- kashyap_patel@fws.gov optional
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From: <u>greg j sheehan@fws.gov</u>

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From: Sheehan, Gregory
To: julia@nfwf.org
Subject: deaft

Subject: draft

Date:Wednesday, August 8, 2018 10:44:03 AMAttachments:Sheehan WASDA Remarks 8.8.18 V2 .docx

draft speaking points

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Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



U.S. Fish and Wildlife Service Principal Deputy Director Greg Sheehan Western Association of State Departments of Agriculture 2018 Conference Salt Lake City, UT August 8, 2018

- Thank you for the opportunity to speak to you today!
- It's a privilege to be back here in my home state of Utah, among so many colleagues and friends.
- I'd like to thank my longtime friend, Utah Commissioner of Agriculture and Food, LuAnn Adams, for the invitation to speak to you today.
- I know LuAnn and her staff have worked night and day to make this conference a great experience.
- And I also know as the former Utah Division of Wildlife Resources
 Director how much they contribute to making Utah such a great place
 to live for both people and wildlife.



- I'm here to talk about something you all know well the importance of keeping working families on the land both for their benefit, and for the benefit of the landscape they work so hard to care for.
- No one cares more about the health of the land than farmers and ranchers. No one cares more about the wildlife that share the landscape with them.
- I know, as well as you do, that we can't ensure the health and productivity of our public and private lands for people and wildlife unless we find a way to work with the agriculture community as partners, and not as adversaries.
- And that's why it's more imperative than ever for Wildlife
 Conservation and Agriculture professionals to work together.
- The challenges we face are too big in scale, scope, and intensity for any of us to address alone.
- Simply put, we can't succeed in conserving America's native fish and wildlife resources, or in expanding opportunities for all Americans to



enjoy them, unless we successfully engage private landowners, developers and industries and help them.

- When I interviewed for the Director of Utah DWR, Carry Gibson was on the interview panel. I made this statement at the time and have always tried to direct my management actions in a manner that comported with this quote.
- It was a quote by Aldo Leopold who once said, "Conservation will ultimately boil down to rewarding the private landowner who conserves the public interest."
- In the west we certainly have a blend of both public and private lands, but as we know some of the most important areas for agriculture and wildlife were occupied by more than 150 years ago, and wildlife now rely heavily on private lands even when surrounded by large tracts of public land.
- GMO Seeds cooperative farming with or without neonicotinoids



- One way that the FWS has helped to alleviate conflicts and help
 protect working ranches and sensitive species that rely upon them is
 through the Partners for Fish and Wildlife Program.
- This program works to align programs and leverage resources to make it easier for private landowners to implement voluntary conservation measures on their property.
- Our goal is to work with a broad array of public and private partners
 to build and strengthen sustainable partnerships that endure
 throughout time.
- That requires us to focus on shared solutions that are easily transferable, scientifically sound, and command a solid return on investment.
- This program has an outstanding record on voluntary private lands with a leveraging ratio of four-to-one.
- That means for every one program dollar expended, four nonprogram dollars are spent on project delivery.



- But beyond return-on-investment and science, people are what really make a partnership work.
- We have found that no matter how complex the environmental equation is, people are the most important variable, and all solutions run through them.
- If we start with people and commit to finding collaborative solutions, we can achieve amazing things together.
- Hundreds of western farming and ranching operations have relied upon this concept and appreciated the dollars that this program has been able to bring to them.
- Partners like Jay Tanner in Northwest Utah and Jim Stone in Montana understand how they can enhance both wildlife and livestock operations.
- We placed more than \$51 million on the ground last year in the Partners program and much of that was for western farming and ranching operations.



- Another important FWS program is the Intermountain West Joint
 Venture Program that spans most western states and that we invest
 more that \$13 million on annually.
- The IWJV venture program in the west brings local communities and working farm and ranch operators to the table and provide funding and technical resource assistance to ensure landscapes are protected for birds and wildlife, that live side-by-side with private land operations.
- They also bring together funding from other partners such as BLM and NRCS to broaden the assistance that they are able to provide.
- I sat on the Board of the IWJV and very much appreciated the strong relationships that we built with our partners in the west.
- I have been a farm owner in the past, and know many people in the community. In doing so I realize that the most successful operators have a holistic view of the lands and resources that they have been blessed with overseeing for a moment in time in our history.



- And they also realize that healthy lands for grazing and farming are similarly healthy for wildlife, and most people in the industry that I have met take great pride in their responsible stewardship.
- By working together, we believe we can accomplish far more –
 conserving at-risk and listed species, while keeping working lands
 economically viable.

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- Additionally we must also realize that our society will continue to grow and place increasing demands on our land and water resources.
- We can ensure that responsible development occurs in ways that
 maximize benefits to our nation and its economic future as we do a
 better job of working together to minimize and avoid negative
 impacts whenever possible.
- At times that leads to Regulation and that is sometimes necessary.
 But, regulatory action often does not promote collaboration, which is



necessary to achieve the level of conservation required to ensure the future of wildlife.

- Indeed, regulatory inflexibility can create a counterproductive and adversarial tension as landowners try to balance their need to make a living from the land with public expectations for conserving fish and wildlife.
- When I began in my role under this administration in Washington DC
 I was tasked with at Presidential Director to eliminate regulations and cut government red tape.
- My Boss, Secreatary of Interior Ryan Zinke has further elaborated on the urgency and need to eliminate outdated or unnecessary regulations.
- So we have done that in a stepwise fashion, as we considered what regulations needed to be revisited. Here are few that we have been able to modify or are in the formal process of modifying.
- Endangered Species Act Regulations



- Mitigation Regulations
- GMO Seed use
- And regulations regarding access, hunting, and fishing on our refuges
- I'll talk for a few moments about each of these.

1. First ESA Regulations Reform

- One thing we've heard over and over again from the public and key constituents is that ESA implementation is not consistent and often times very confusing to navigate.
- We need to be good neighbors and steadfast partners. That can't
 happen unless we're clear and consistent with how we approach
 conservation with our state and private partners.
- That's why we've proposed a series of improvements designed to produce the best conservation results for the species while reducing the regulatory burden on the American people.



- In July we published to the federal register a set of regulatory changes to the Endangered species act. Those regulations are still our for public comment and we would appreciate any comments that you, you WASDA, or your respective states may want to make.
- We started this process by looking internally at what is working and what may need improvement in the regulatory framework.
- The proposed regulation changes we are proposing include Sections 4 and 7.
- Section 4 is listing and delisting of species and also, designation of critical habitat. Some of the items we have proposed here include,
 - Among the changes we recently proposed were several that relate to how we list, recover and designate critical habitat for threatened and endangered species.
 - First, along with NOAA we've jointly proposed to revise the procedures for designating critical habitat by reinstating a



- requirement to first evaluate areas currently occupied by the species before considering unoccupied areas.
- We should first determine if occupied habitat is sufficient for the needs of a species before looking to designate unoccupied habitat and imposing additional regulatory burdens on landowners.
- Second, although we still expect to designate critical habitat for most species, we've long recognized that such designation may not be prudent for some species and circumstances.
- In some cases, it's because doing so could lead collectors to the locations of vulnerable species. In others, it may be because we lack enough information to make credible determinations.
- Accordingly, we've outlined a non-exhaustive list of circumstances under which our agencies may find that designation for a particular species would not be prudent.
- This will help us be more clear and consistent with our determinations.



- The ESA defines a threatened species as one that is likely to become in danger of extinction within the "foreseeable future."
- But what does that mean? Certainly we've had multiple, and sometimes conflicting interpretations of what constitutes the foreseeable future over the years.
- For the first time, we've proposing an interpretation of "foreseeable future" to make it clear that it extends only as far as we can reasonably determine that both future threats and the species' responses to those threats are probable.
- In all of this, our goal is to meet the needs of listed species and the requirements of the Endangered Species Act by tailoring our efforts to individual species.
- Because we know that the needs of bats, and the threats they face, are vastly different than those confronting freshwater mussels or grizzly bears.
- This is why we've separately proposed to rescind the Fish and Wildlife Service's blanket rule under section 4(d) of the ESA,



- which automatically conveys the same protections for threatened species as for endangered species unless otherwise specified.
- This change would bring our regulatory approach to threatened species protections in line with that of NOAA Fisheries, which has not employed such a blanket rule.
- By creating a clearer regulatory distinction between threatened and endangered species, we are also encouraging partners to invest in conservation that has the potential to improve a species' status, helping us work towards our ultimate goal: recovery.
- The proposed changes would impact only future listings or downlistings and would not apply to those species already listed as threatened.
- The Fish and Wildlife Service will craft species-specific 4(d) rules for each future threatened species determination that are necessary and advisable for the conservation of the species, as has been standard practice for most species listed as threatened in recent years.



Section 7 Consultations reform of regulations

- Under section 7 of the ESA, other federal agencies consult with the U.S. Fish and Wildlife Service and NOAA Fisheries to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species or result in "destruction or adverse modification" of critical habitat.
- We've proposed to simplify and clarify the definition of "destruction or adverse modification" by removing redundant and confusing language.
- The proposed rule is not intended to alter existing consultation practice; rather, it seeks to revise and clarify language that was confusing to other federal agencies and the public.
- Additional proposed revisions to the consultation regulations will
 clarify whether and how the Fish and Wildlife Service and NOAA
 Fisheries consider proposed measures to avoid, minimize or offset
 adverse effects to listed species or their critical habitat when
 conducting interagency consultations.



- These proposals will improve the consultation process by clarifying how biological opinions and interagency submissions should be formulated.
- Which in turn will make it easier for developers and project
 proponents to understand how to minimize and avoid impacts to
 listed species and to work with other federal agencies to get their
 projects approved.

Wolves

- Wolf restoration in the Northern Rocky Mountains has been an amazing success thanks to both the resiliency of wolves and the cooperative efforts of Federal, State, and Tribal agencies, conservation groups, and private citizens including ranchers, sportsmen, and outfitters.
- The NRM gray wolf population continues to be robust, stable, and self-sustaining exceeding recovery goals in Idaho, Montana, and Wyoming since 2002.



- Last year, the U.S. Court of Appeals reversed a U.S. District Court
 decision and issued a final mandate delisting wolves in Wyoming –
 completing more than a decade of work to recognize the gray wolf's
 recovery and return management to the states across the Northern
 Rocky Mountains. Wolves in Montana and Idaho were delisted in
 2012.
- We continue to assist, advise, and support state and federal agency
 partners to ensure a viable, self-sustaining wolf population in
 Wyoming during the five-year post-delisting monitoring period and
 into the future.
- Wolves have continued to increase in number and expand their range westward beyond the original NRM boundary in Oregon and Washington and have recently begun to recolonize portions of northern California.
- The Service expects the entire Northern Rocky Mountains wolf population to maintain a long-term average of around 1,000 wolves.



- Wolves in the Northern Rocky Mountains represent a 400-mile extension of a vast contiguous wolf population that numbers over 12,000 wolves in western Canada and about 65,000 wolves across all of Canada and Alaska.
- We've had similar success recovering wolves in the Western Great Lakes region of Michigan, Wisconsin and Minnesota.
- The population there numbers more than 3,800 wolves, exceeding recovery goals for the species. However, due to litigation we've been forced to relist this population of wolves.
- Our goal is to again propose the Western Great Lakes Population for delisting in the near future. Additionally, we're actively reviewing the status of wolves across the contiguous U.S. to determine whether they warrant delisting and if so will propose a delisting rule.
- These are the kinds of successes we need to replicate. Fortunately, we have a steadfast partner in the NRCS and state Agriculture agencies.



Mitigation Policy

- At times, appropriate mitigation may be required to offset the unavoidable impacts of development projects on listed species.
- When mitigation is required, we want to get it right, and make sure it's commensurate with the impacts themselves.
- We need to make sure we use our authority appropriately to further wildlife conservation, while ensuring consistency with applicable statutes and regulations for which we are responsible and utilizing a transparent process for the public.
- That's why we recently decided to withdraw two policies developed in the last days of the previous administration governing mitigation.
- These policies go beyond requiring mitigation that offsets the impact of development, requiring instead that mitigation provide a "net conservation benefit" to affected species.
- We're withdrawing these policies because the Fish and Wildlife
 Service has insufficient authority to require or recommend "net



conservation gain" throughout all the various Service-related authorities, and is inconsistent with current Executive Branch policy.

- The Service is reinstating its 1981 Mitigation Policy, which established policy for Service recommendations on mitigating the adverse effects of land and water developments.
- The policy was written to help assure consistent and effective recommendations by outlining policy for the levels of mitigation needed and the various methods for accomplishing mitigation.
- GMO SEED
- Cooperative farming on Refuges
- Creating access to our refuge lands
- Opened 381,00 acres in this admin to hunting and fishing
- Eliminated 2,100 lines of regulations.

Finally I wanted to mention the Farm Bill.

Farm Bill



- As we all know, the ESA is only part of the picture. The Farm Bill and its conservation programs have an enormous impact on incentivizing wildlife conservation on private lands and in providing habitat for hunters and anglers on these lands.
- We've outlined some principles for the pending Farm Bill
 reauthorization, and are working hard with our allies on the Hill to
 ensure they're a part of what is eventually approved.
- These include identifying fish and wildlife conservation as a coequal resource consideration with soil and water conservation in the development, implementation, and evaluation of all Farm Bill conservation programs.
- We also want to magnify the impact of conservation programs by
 focusing conservation work on priority species and habitats, and by
 ensuring that the needs of multiple fish and wildlife resources –
 including pollinators and bats, are considered in the
 implementation of soil and water conservation practices.



- We want to ensure NRCS and agency partners have the resources necessary to assist farmers, ranchers, and foresters with conservation planning as well as program implementation, delivery, and ongoing management activities.
- Our goal is also to increase coordination and communication among USDA, the Service and our state partners, particularly at the State and local level, to maximize fish and wildlife benefits for Farm Bill conservation and forestry program success.
- With your help, we can make the Farm Bill work better for farmers and wildlife.

Conclusion

- That's the end goal of all of this to make it easier for people and wildlife to coexist.
- We're wildlife conservation experts, but we also recognize our limitations.
- We're working to overcome decades of mistrust between landowners and our agency.



- As agriculture professionals, you have deep, longstanding and personal ties with farmers and ranchers in your states.
- Our hope is to work with you to help build and strengthen our own relationships with these great people.
- That's what we've tried to do with NRCS, working together to help provide financial and technical assistance to landowners who want to do good things for wildlife.
- We'd love to work with you to do the same thing for the farmers and ranchers you work with.
- Together, we can have a much greater impact for people and wildlife.
- Thank you again for the opportunity to speak to you today. I hope you're able to get out and enjoy Utah over the next few days!



From: <u>Jim Kurth</u>

To: <u>Cynthia Martinez</u>; <u>Gregory Siekaniec</u>

Cc: <u>Stephen Guertin</u>; <u>Betsy Hildebrandt</u>; <u>Matthew Huggler</u>; <u>Martin Kodis</u>

Subject: Fwd: [arctic_refuge] Final Letter Opposing CRA on AK Nat"l Wildlife Refuges Rule

Date: Tuesday, February 14, 2017 5:11:00 PM

Attachments: <u>ATT00001.htm</u>

ATT00002.htm ATT00003.htm ATT00004.htm ATT00005.htm ATT00006.htm

Group Letter Opposing AK Nat"l Wildlife Refuges CRA.pdf

ATT00007.htm

FYI

Sent from my iPad

Begin forwarded message:

Date: February 14, 2017 at 5:27:09 PM EST **To:** Jim Kurth < <u>iim_kurth@fws.gov</u>>

Subject: Fwd: [arctic_refuge] Final Letter Opposing CRA on AK Nat'l

Wildlife Refuges Rule

FYI -- We are the first group on the list.

----- Forwarded Message -----

Subject:[arctic_refuge] Final Letter Opposing CRA on AK Nat'l Wildlife

Refuges Rule

Date:Tue, 14 Feb 2017 20:42:06 +0000

From: Jenny Keatinge JKeatinge@defenders.org

Reply-To: Jenny Keatinge < JKeatinge @defenders.org>

To: Arctic Refuge Campaign List <arctic_refuge@groups.b-team.org>

Attached. This just got blasted up. Many thanks to all who joined! Please use in your advocacy!

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i; 1/21130 17th Street N.W. Washington D.C. 20036-4604

�**Tel:** 202-772-0270��������ススス½ï½½°25²%**Fax:** 202-463-8891

/2jkeatinge@defenders.org/2/2 | /2/2www.defenders.org

Follow us on Twitter @DefendersGovRel for legislative updates

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From: Jenny Keatinge

Sent: Tuesday, February 14, 2017 10:38 AM

To: 'Public Lands Working Group' cra@listserver.citizen.org; 'Arctic Refuge Campaign List' cra@listserver.citizen.org;

Cc: Katie Taylor <<u>KTaylor@defenders.org</u>>

Subject: Deadline -Sign On Letter - CRA on AK Nat'l Wildlife Refuges Rule

Importance: High

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Reminder ië ½ please sign on to this letter by **noon today.** Organization name only. Please email Katie Taylor at KTaylor@defenders.org (ccië ½ here) to join.

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The following groups are on so far:

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1. ﺗﯧﺮ୬/ﺗﺘﺮ୬ﺗﺘﺮ୬ﺗﺘﺮ୬ Alaska Wilderness League

2. "¿½ï¿½ï¿½ï¿½ï¿½ï¿½ï¿½ Alaska Wildlife Alliance

3. "¡¼"¡¼"¡¼"¡¼"¡¼"¡¼"¡¼"¡¼" Back Country Horsemen of New Mexico

4.������ßBorn Free USA

5. "¿¼"¿¼ï¿¼ï¿¼ï¿½ï¿½ Braided River

6. เร็นได้เป็นเป็นเป็นเป็นเป็นเป็นเป็นเป็นเป็น Center for Biological Diversity

8. มี ได้มี ได้มี

9. "¡½";½";½";½";½" Daily Kos

10.���� Defenders of Wildlife

11. ��� Earthjustice

12. ���ï Environment America

13. "¡¿¼ï¡¼ï¡¼ Friends of Alaska National Wildlife Refuges



14. Institute for Science and Human Values

15. אַנְיִיאַוֹנְיִאַ League of Conservation Voters

16. เ_เ\/เเ_เ\/เเ_เ\/si National Parks Conservation Association

17. "¡½"¡½"¡½ National Wildlife Refuge Association

18. ïį ½ iį ½ New Mexico Sportsmen

19. "¡¿¼ï¡¼ï¡¼ Northern Alaska Environmental Center

20. ïį ½ iį ½ Pacific Environment

21. ��� Sierra Club

22. "¿½"¡½"¡½" Sierra Club, Rocky Mountain Chapter

23. "¡½"¡½"¡½" Southwest Environmental Center

24. ïį ½ïį ½ïį ½ The Humane Society Legislative Fund

25.i¿½iį½iį½iį½i The Humane Society of the United States

26.���ï The Wilderness Society

27. "¡/uï, /uï, /uï, /u Upper Gila Watershed Alliance

28. אַנּעִייַנּעָעיַ Vet Voice Foundation

29. ïį ½iį ½iį ½ Western Watersheds Project

30.��� Wilderness Watch

31. ��� WildWest Institute

32.��� Wolf Conservation Center

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�Defenders of Wildlife �1130 17th Street N.W. Washington D.C. 20036-4604 �**Tel:** 202-772-0270;ؤ½ï½½½½½½½½½½½½½½½½½½½½½¥243-8891 �ikeatinge@defenders.orgï;½½½½½½½½½½½½%www.defenders.org

Follow us on Twitter <u>@DefendersGovRel</u> for legislative updates

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From: Jenny Keatinge

Sent: Monday, February 13, 2017 11:45 AM

To: 'Public Lands Working Group' <<u>public-lands@groups.b-team.org</u>>; Congressional Review Act <<u>cra@listserver.citizen.org</u>>; 'Arctic Refuge Campaign List' <<u>arctic_refuge@groups.b-team.org</u>>

Cc: Katie Taylor < KTaylor@defenders.org >

Subject: Sign On Letter - CRA on AK Nat'l Wildlife Refuges Rule

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Apologies for cross-postings.

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Hi all,

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Please consider endorsing the attached community letter opposing H. J. Res. 69, the CRA resolution to rescind the Alaska National Wildlife Refuges Rule. Voiding this vital rule would jeopardize iconic species in Alaska, subvert fundamental environmental laws and undermine management of federal public lands. H. J. Res. 69 is a blatant attempt to cede control of Americai¿½s wildlife on over 76 million acres of national wildlife refuges in Alaska to appease narrow state interests, and could have drastic implications for federal management of public trust resources across the country. The resolution is expected on the floor around 12:15pm on Thursday.

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Sign-on deadline is noon tomorrow (Tuesday). Organization name only. Please email Katie Taylor at KTaylor@defenders.org (cci¿½d here) to join. Let me know if you have any questions.

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Thanks!

Jenny

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/2Defenders of Wildlife

تزاً 130 17th Street N.W. Washington D.C. 20036-4604

 $\ddot{i}_{\xi}^{1/2}\textbf{Tel:}\ 202-772-0270\ddot{i}_{\xi}^{1/2}\ddot{i}_{\xi$

/2jkeatinge@defenders.org/2/2 l/2/2www.defenders.org

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Alaskans for Wildlife * Alaska Wilderness League * Alaska Wildlife Alliance * Audubon Alaska Back Country Horsemen of New Mexico * Born Free USA * Braided River Center for Biological Diversity * Clean Water Action Conservatives for Responsible Stewardship * Daily Kos * Defenders of Wildlife * Earthjustice Endangered Species Coalition * Environment America Environmental Protection Information Center * Eyak Preservation Council Friends of Alaska National Wildlife Refuges * Friends of the Earth * GreenLatinos Gwich'in Steering Committee * Howling for Wolves * Institute for Science and Human Values International Fund for Animal Welfare * Klamath Forest Alliance League of Conservation Voters * National Parks Conservation Association National Wildlife Refuge Association * New Mexico Sportsmen New Rules for Global Finance * Northern Alaska Environmental Center * Pacific Environment Progressive Congress Action Fund * Public Citizen * Sierra Club Southern Utah Wilderness Alliance * Southwest Environmental Center The Humane Society Legislative Fund * The Humane Society of the United States The Wilderness Society * Upper Gila Watershed Alliance * Vet Voice Foundation Western Watersheds Project * WildEarth Guardians * Wilderness Watch * WildWest Institute **Wolf Conservation Center**

February 14, 2017

RE: Vote NO on H. J. Res. 69

Dear Representative,

On behalf of our millions of members and supporters nationwide, we urge you to oppose H. J. Res. 69, the Congressional Review Act (CRA) resolution to rescind the U.S. Fish and Wildlife Service's (FWS) Alaska National Wildlife Refuges Rule. Voiding this vital rule would jeopardize iconic species in Alaska, subvert fundamental environmental laws and undermine management of federal public lands. H. J. Res. 69 is a blatant attempt to cede control of America's wildlife on over 76 million acres of national wildlife refuges in Alaska to appease narrow state interests, and could have drastic implications for federal management of public trust resources across the country.

The Alaska National Wildlife Refuges Rule helps protect bears, wolves and other native carnivores on federal public lands to conserve wildlife and natural ecosystems that benefit all Americans. The rule prevents application of Alaska's aggressive "predator control" policy on national wildlife refuges in the state. Alaska's scientifically indefensible predator control program aims to artificially increase game populations by driving down carnivore numbers through extreme practices, including killing mother bears and cubs, killing wolves and pups in their dens, and trapping, baiting and using airplanes to scout and shoot bears. The majority of Americans, including Alaskans, oppose these highly controversial, extreme measures that could reduce or eliminate these species across entire landscapes.

The Alaska National Wildlife Refuges Rule ensures America's refuges are managed as Congress intended, consistent with bedrock federal laws governing the National Wildlife Refuge System. Under the National Wildlife Refuge System Improvement Act, FWS is required to maintain ecological integrity across refuge ecosystems and the Alaska National Interest Lands Conservation Act (ANILCA) mandates conservation of species and habitats in their natural diversity on refuges in the state. ANILCA also prioritizes conservation of wolves, bears and other carnivores as a statutory purpose of



FWS management for many Alaska national wildlife refuges. The agency's reasonable regulation simply prevents violation of these federal laws, preserving America's wildlife heritage on these public lands while still allowing for traditional subsistence and sport hunting.

Voiding this vital rule would undermine federal authority to manage wildlife on more than 76 million acres of public lands congressionally reserved for wildlife conservation. It would impair science-based stewardship of natural resources, limit FWS's ability to sustainably manage wolves, bears, and other native carnivores, and upset the natural ecological balance on these wild lands that belong to all Americans.

The National Wildlife Refuge System is the only network of federal lands and waters dedicated to wildlife conservation. The System includes 566 national wildlife refuges, with at least one in every state and U.S. territory, preserving hundreds of millions of acres of habitat essential to the survival of an astounding diversity of wildlife, and providing millions of Americans access to wildlife-dependent outdoor recreation. Congress has designated 16 national wildlife refuges in Alaska, including some of the Refuge System's most incredible "crown jewels," like the Arctic National Wildlife Refuge.

Americans expect wildlife conservation on these federal lands will follow proven conservation principles and sound science, and support traditional ethical standards for species management. The Alaska National Wildlife Refuges Rule is necessary to ensure these expectations are met. We urge you to stand up for wildlife and the National Wildlife Refuge System and uphold this rule by voting NO on H. J. Res. 69.

Sincerely,

Alaskans for Wildlife Alaska Wilderness League Alaska Wildlife Alliance Audubon Alaska Back Country Horsemen of New Mexico Born Free USA Braided River Center for Biological Diversity Clean Water Action Conservatives for Responsible Stewardship Daily Kos Defenders of Wildlife Earthjustice **Endangered Species Coalition** Environment America Environmental Protection Information Center Eyak Preservation Council Friends of Alaska National Wildlife Refuges Friends of the Earth GreenLatinos

Gwich'in Steering Committee

Institute for Science and Human Values

Howling for Wolves



International Fund for Animal Welfare

Klamath Forest Alliance

League of Conservation Voters

National Parks Conservation Association

National Wildlife Refuge Association

New Mexico Sportsmen

New Rules for Global Finance

Northern Alaska Environmental Center

Pacific Environment

Progressive Congress Action Fund

Public Citizen

Sierra Club

Southern Utah Wilderness Alliance

Southwest Environmental Center

The Humane Society Legislative Fund

The Humane Society of the United States

The Wilderness Society

Upper Gila Watershed Alliance

Vet Voice Foundation

Western Watersheds Project

WildEarth Guardians

Wilderness Watch

WildWest Institute

Wolf Conservation Center



From: <u>roslyn_sellars@fws.gov</u> on behalf of <u>Everson, Margaret</u>

To: <u>Mardee Aanonsen</u>

Subject: Fwd: [EXTERNAL] FW: Notice of intent - Sonoran desert tortoise

Date: Tuesday, April 16, 2019 3:47:26 PM
Attachments: Sixty.Day.Notice.FINAL.SDT.April.2019.pdf

----- Forwarded message -----

From: Matthew Bishop < bishop@westernlaw.org >

Date: Mon, Apr 15, 2019 at 4:45 PM

Subject: [EXTERNAL] FW: Notice of intent - Sonoran desert tortoise

To: < Margaret_Everson@fws.gov>
Cc: < bishop@westernlaw.org>

Matthew Bishop

Western Environmental Law Center

103 Reeder's Alley

Helena, Montana 59601

(406) 324-8011

bishop@westernlaw.org

www.westernlaw.org

From: Matthew Bishop < bishop@westernlaw.org >

Sent: Monday, April 15, 2019 2:37 PM

To: margret_everson@fws.gov; exsec@ios.doi.gov; RDLueders@fws.gov

Cc: <u>bishop@westernlaw.org</u>; <u>nokes@westernlaw.org</u> **Subject:** Notice of intent - Sonoran desert tortoise

Importance: High

Please see the attached notice letter. A paper copy is also being sent via U.S. First Class Mail



(delivery confirmation). Thank you. Matt

Matthew Bishop

Western Environmental Law Center

103 Reeder's Alley

Helena, Montana 59601

(406) 324-8011

bishop@westernlaw.org

www.westernlaw.org





Northwest 1216 Lincoln Street Eugene, Oregon 97401 (541) 485-2471

Rocky Mountains 103 Reeder's Alley Helena, Montana 59601 (406) 443-3501

Southwest 208 Paseo del Pueblo Sur #602 Taos, New Mexico 87571 (575) 751-0351

Defending the West www.westernlaw.org

Western Environmental Law Center

April 15, 2019

SENT VIA E-MAIL AND U.S. FIRST CLASS MAIL (Delivery Confirmation)

David Bernhardt Secretary, U.S. Department of the Interior U.S. Dept. of the Interior 1849 C Street, N.W. Washington, D.C. 20240 exsec@ios.doi.gov

Margret Everson Acting Director, U.S. Fish and Wildlife Service 1849 C Street N.W., Room 3358 Washington, D.C. 20240 margret everson@fws.gov

Amy Lueders Regional Director (Region 2), U.S. Fish and Wildlife Service, Southwest Region Southwest Regional Office 500 Gold Avenue SW Albuquerque, NM 87103-1306 RDLueders@fws.gov

Sixty-day notice of intent to sue for violating the Endangered Species Act when deciding not to list the Sonoran desert tortoise.

Dear Sec. Bernhardt, Acting Director Everson, and Regional Director Lueders:

The Western Environmental Law Center ("WELC") provides this sixty-day notice of intent to sue the U.S. Fish and Wildlife Service ("Service") for its October 6, 2015 decision not to list the Sonoran desert tortoise (Gopherus morafkai) as an endangered or threatened species under the Endangered Species Act ("ESA").



This notice is provided by WELC on behalf of WildEarth Guardians ("Guardians") and the Western Watersheds Project ("WWP"). These two organizations have a strong interest in ensuring the long-term survival and recovery of the Sonoran desert tortoise in the wild and ensuring the Service utilizes the best available science and complies with the ESA when making listing decisions.

In 2008, Guardians and WWP submitted a formal petition to list the Sonoran desert tortoise as a distinct population segment ("DPS") under the ESA.

The Service responded to this petition with a positive 90-day finding and in December, 2010 issued a 12-month "warranted but precluded" finding based on its review of the best available science and ESA threat factors. The threats identified by the Service to the species included (but are not limited to):

- On-going invasion of non-native plants species (including buffelgrass);
- Increased urbanization and population growth in habitat;
- Fragmentation of sub-populations that limit genetic exchange;
- · Increased OHV use in occupied habitat;
- Mesquite and Ironwood tree harvest in Mexico;
- Livestock grazing;
- Illegal collection, human depredation;
- Lack of adequate protections in land management plans;
- Climate change (drought) and increased fires;
- Cumulative or synergistic effects (of all the above).

Following the Service's 2010 "warranted" finding, the Service repeatedly reaffirmed this finding in its candidate notices of reviews in 2011, 2012, and 2013.

In 2014, the Service published an extensive "species assessment" for the Sonoran desert tortoise that: (1) incorporated all available scientific literature produced on the species as of March, 2013, including all available literature on threats facing the species; (2) recognized the Sonoran desert tortoise as a distinct species from the Mojave desert tortoise (as such, no need for a DPS listing); and (3) reaffirmed, once again, that the species was "warranted" for listing under the ESA.

On December 5, 2014, and following its "species assessment," the Service issued yet another candidate notice of review reaffirming its "warranted" finding and announcing the Service's plans to start work on a proposed listing rule for the tortoise.

In May, 2015, the Service entered into a candidate conservation agreement with assurances with the State of Arizona. During this time, the Service elected to



prepare yet another "species status assessment." This second assessment included a new population viability analysis and threats assessment which was used to estimate population numbers and trends.

On October 6, 2015, the Service reversed its previous findings and issued a "not warranted" determination on Guardians' and WWP's petition to list the Sonoran desert tortoise. With this letter, the Service is put on notice that this finding violates the ESA and is arbitrary and capricious for the following reasons:

First, the Service failed to provide a valid, reasonable, and rational explanation for why it reversed its previous "warranted" findings.

As explained by the Ninth Circuit, an "[u]nexplained inconsistency between agency actions is a 'reason for holding an interpretation to be arbitrary and capricious." Organized Village of Kake v. US Dept. of Agriculture, 795 F. 3d 956, 966 (9th Cir. 2015) (citation omitted). Agencies are entitled to change their policies, but must provide "good reasons" for the new policy and if it rests on "factual findings that contradict those which underlay its prior policy," the Agency "must include 'a reasoned explanation . . . for disregarding facts and circumstances that underlay or were engendered by the prior policy." Id. A policy change violates the law if "the agency ignores or countermands its earlier factual findings without [providing a] reasoned explanation for doing so . . ." Id. (citation omitted).

Here, the Service changed its position on listing the Sonoran desert tortoise during a short 10 month period, from December, 2014 to October, 2015. During this time there were no new scientific studies. There were no corrections or errors identified in the previous findings (earlier errors in the science included in the original petition to list were identified but didn't undermine the Service's 2010 "warranted" finding). The only changes were the signing of a candidate conservation agreement with assurances with Arizona but this document was not provided as the reason for the change and is barely discussed in the 2015 "not warranted" finding. It also includes purely voluntary compliance measures which can be terminated without notice or penalty in the event that a species is not listed and, as such, cannot be used to avoid listing (see below).

The change from "warranted" to "not warranted," therefore, is largely due to the findings of the Service's second species assessment. But as explained below, this second assessment does not utilize the best available science, is incomplete (doesn't cover all threats), is based on faulty assumptions, and includes findings premised on "pure speculation" (which even the peer reviewers questioned). There are also a number of inconsistent and contradictory findings that were never explained or dealt with between the 2014 "warranted" finding and the 2015 "not warranted" finding.



One additional change that influenced the Service's finding (and its population viability analysis) was the Agency's decision to treat and assume Sonoran desert tortoises in Arizona exist as one single, connected population (same for Mexico). No explanation or rationale was provided in support of this approach and it was called into question by the scientific community. Sonoran desert tortoises exist as a meta-population in Arizona and Mexico with numerous subpopulations that are fragmented and isolated from each other. These terms and concepts, however—which are critical to understanding the demography of Sonoran desert tortoises — are never analyzed or discussed in the final "not warranted" finding.

The Service's last minute decision to exclude all desert tortoises in the Black Mountains from its analysis and final "not warranted" decision is also arbitrary and contrary to the ESA.

Guardians' and WWP's original listing petition included tortoises in the Black Mountains area of western Mohave County, Arizona because they: (a) are isolated from and not protected by the Mojave desert tortoise DPS listing; (b) occur within the delineated Sonoran population range; and (c) the best available science revealed there is interbreeding between Mojave desert tortoises and Sonoran desert tortoises in this geographic area. Likewise, the Service's 2010 "warranted" finding and subsequent "warranted" findings in the candidate notices of review — as well as the Service's 2014 status assessment — agreed and included tortoises in this area in its analysis and findings. The Service's 2015 "not warranted" finding, however, does not mention or discuss this population in its decision — at all.

The Service's second status assessment does explain why tortoises in the Black Mountains were excluded from its "not warranted" finding (the Service said the tortoises in this area "have been determined to be Mojave desert tortoises") but no explanation, details, guidance, or information is provided on the legal status of this population in light of this new finding. The Service did not and is not proposing to amend the Mojave desert tortoises' listing status to include the Black Mountain population and the Service chose not to protect (or even analyze) this population when declining the list the Sonoran desert tortoise population. Tortoises in the Black Mountains have thus fallen through the proverbial cracks and remain in 'no mans land'; not protected as a Mojave desert tortoise or as a Sonoran desert tortoise. This is arbitrary.

Indeed, the Service cannot have it both ways. If – as the Service maintains in the second status assessment – tortoises in the Black Mountains are Mojave desert tortoises (*Gopherus agassizii*), then the Service must amend the original listing for this species and adjust the boundaries to include the Black Mountain population. If not, then the Service must carefully evaluate and analyze whether to list this population.



Second, the Service violated the ESA by failing to consider and analyze all five threat factors from section 4(a) of the ESA, 16 U.S.C. § 1533(a), before making its "not warranted" finding.

Pursuant to section 4(a)(1) of the ESA and the Service's implementing regulations, the Service is required to determine whether a species is threatened or endangered because of any of the following factors: (A) the present or threatened destruction, modification, or curtailment of the species' range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; and (E) other man-made factors affecting the species' continued existence. *Tucson Herpetological Soc'y v. Salazar*, 566 F.3d 870, 873 (9th Cir. 2009) (citing 16 U.S.C. § 1533(a)(1); 50 C.F.R. § 424.11(c)). These factors are listed in the disjunctive so any one or combination of them can be sufficient for a finding that a species qualifies as threatened or endangered.

In deciding not to list the Sonoran desert tortoise, the Service failed to carefully consider and adequately apply Section 4(a)(1)'s listing factors in accordance with the ESA and the Service's implementing regulations.

The Service, for example, failed to consider and analyze how climate change is already impacting and will continue to directly, indirectly, and cumulatively impact the Sonoran desert tortoise and its habitat. In fact, the Service arbitrarily dismissed the best available science and peer review on climate change impacts.

A number of scientific papers discuss the climate change concerns going forward and, in particular, the related increase in fire and drought conditions and how they may affect Sonoran desert tortoise numbers and habitat in the region. A number of subpopulations experienced significant die-offs from drought (Maricopa die off) and these conditions are expected to get worse. In 2014, the Service cited and discussed a number of papers on this topic, including Galbraith and Price (2009) which stated that the Sonoran desert tortoise is "highly vulnerable" to extinction from climate change. A host of other papers support this finding.

The Service, however, downplays the impacts of climate change in its 2015 "not warranted" finding and does so without any supporting data or research. The Service's coarse habitat proxy model (see below) largely fails to account for the impacts of climate change because it only includes three variables: slope, elevation, and vegetation. These variables are not largely unhelpful when evaluating the ongoing and likely impacts of climate change.

Likewise, the Service erroneously discounted and did not adequately analyze the direct, indirect, and cumulative impacts that the ongoing invasion of non-native plants species, increased urbanization and population growth in habitat, energy



development, fragmentation of sub-populations that limit genetic exchange, increased OHV use (and other human activities, including target shooting, collection, and vehicle mortalities), mesquite and ironwood tree harvest in Mexico, livestock grazing, illegal collection, human depredation, lack of adequate protections in land management plans, climate change (drought) and increased fires and other threats (recognized by the best science) may have on the Sonoran desert tortoise now and into the foreseeable future.

In applying the ESA's five listing factors, the Service also erroneously discounted and did not adequately consider how the lack of existing regulatory mechanisms for the Sonoran desert tortoise, specifically the lack of guidance in state wildlife and resource management plans, National Forest Plans, National Park Service management plans, and BLM resource management plans. Importantly, Candidate Conservation Agreements with Assurances are considered "non-regulatory conservation actions." See 79 Fed. Reg. 69192.

Here, a number of threats previously identified and discussed by the Service in its earlier "warranted" findings were also never carried forward and addressed in the 2015 "not warranted" finding. This includes (but is not limited to): (1) disease and predation; (2) fragmentation of habitat and increased isolation and less connectivity between subpopulations; (3) inadequate regulatory mechanisms in both the United States and Mexico; (4) over-utilization; (5) livestock grazing; (6) cumulative threats; and (7) activities occurring in Mexico, including desert plant and tree harvest. Also, in terms of habitat loss, there are a number of activities discussed in the 2014 finding that are ignored in the 2015 finding (renewable energy development and OHV use, for example.).

 $\it Third$, the Service's "not warranted" finding conflicts with the best available science.

Pursuant to Section 4(b)(1)(A), 16 U. S.C. § 1533 (b)(1)(A), the Service's implementing regulations, and the Service's 2011 policy on scientific integrity, the Service must make all listing determinations "solely on the basis of the best scientific and commercial data available." This standard – often referred to as the "best available science" standard – does not require scientific certainty (assuming it even exists) or prohibit the Service from making listing decisions in the face of uncertainty or even scientific disagreement. On the contrary, reliance upon the best available science, as opposed to requiring absolute scientific certainty, "is in keeping with congressional intent" that an agency "take preventive measures before a species is 'conclusively' headed for extinction." *Defenders of Wildlife v. Babbitt*, 958 F. Supp. 670, 679–80 (D.D.C.1997) (emphasis in original); *see also American Wildlands v. Norton*, 193 F.Supp.2d 244, 251 (D.D.C.2002) (same). As such, contrary to the Service's listing decision, "definitive conclusions" are not required.



As explained by the Service when listing Canada lynx: "We agree that additional studies of lynx are necessary to better understand the dynamics and requirements of lynx populations in the contiguous United States . . . However, the [ESA] does not allow us to defer a listing decision based on the need for more research. Most scientists would agree that there is always a need for more research, but listing decisions cannot be postponed based on this premise when known threats to the species are present that may result in a species' trend toward extinction." 65 Fed. Reg. 16052, 16064 (March 24, 2000); see also 55 Fed. Reg. 26114, 26128 (June 26, 1990)(Northern spotted owl) (because the Service used "the best data available . . . [it was] not obligated to have data on all aspects of a species' biology prior to reaching a determination on listing."); 61 Fed. Reg. 25813, 24817 (May 23, 1996) (California red-legged frog) (deciding to list species even though many aspects of the species' status were "not completely understood"). A similar approach should have been —but was not—applied with respect to the Sonoran desert tortoise.

The Service's "not warranted" finding largely ignores and/or misinterprets and misconstrues the best available science on the existing Sonoran desert tortoise population in the wild (actual and trends) and needs of and threats facing the Sonoran desert tortoise in Arizona and Mexico.

The Service's "not warranted" finding was premised on a 2015 species assessment that includes a population viability analysis and habitat proxy model to estimate population numbers and trend (and measure the "redundancy and representation" of the species). But this model does not mirror reality, includes faulty assumptions, is based on pure speculation, and conflicts with the best available science.

The peer-reviewed and published papers reveal there is not direct correlation between habitat quality and tortoise numbers. This assumption that a habitat proxy model is appropriate is thus unsupported by the scientific literature. The model also incorrectly assumes there is connectivity between subpopulations of tortoises but the best science reveals populations of tortoises are isolated and becoming increasingly fragmented. Further, the Service's habitat proxy model excludes a key dimension of redundancy and representation: information on the demography of the Sonoran desert tortoise. The Service has no data to characterize the reproductive rates and other early life stages of the Sonoran desert tortoise – information critical to properly assessing population viability.

The Service's population viability analysis and habitat model also misinterprets the science. For example, the Service relies on a single paper for its assumption about tortoise occupancy in areas with greater than 5 percent slope but the paper's author said that is a misrepresentation; the model must (but does not) account for the presence of shelter sites. The Service's findings are also contradicted



by its own data and surveys on Sonoran desert tortoise occupancy. Under the ESA, scientific certainty is not required. The Service, however, cannot infer from a lack of data or uncertainty that the population of Sonoran desert tortoises remains viable, which is what the Agency did here. Without question, the habitat proxy model used for the Service's population viability analysis fails to provide a "rational basis" to conclude the tortoise population is viable.

Notably, the habit proxy model used by the Service in its population viability analysis for the Sonoran desert tortoise only considers three parameters: slope (areas greater than five percent), elevation, and vegetation. The best available science reveals these three parameters are not only unhelpful in terms of predicting occupancy and density (too coarse – availability of shelter sites is critical) but also unhelpful in assessing threats/impacts. Two of the parameters (slope and elevation) remain unaffected by climate change and vegetation – according to the best available science – and are not the most relevant variable for Sonoran desert tortoises. For the Mojave desert tortoise (just north and formerly considered the same species), the Service used at least ten parameters into its population viability model.

Fourth, the Service's listing decision is premised on a misapplication of the term "threatened" and "endangered" as used and applied in the ESA.

Pursuant to the ESA, a species is "threatened" if it is "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." 16 U.S.C. § 1532(20). A species is "endangered" if it is "in danger of extinction throughout all or a significant portion of its range." 16 U.S.C. § 1532(6). Construction of this language must be based on the best available science. See Trout Unlimited v. Lohn, 645 F.Supp. 2d 929, 947, 948 (D. Or. 2007); Western Watersheds Project v. Foss, 2005 WL 2002473, *15-17 (D. Id. 2005).

"Likely to become endangered" means "likely" to be "in danger of extinction." Lohn, 645 F.Supp. 2d at 948. "[L]ikely' clearly means something less than 100% certain, but how much less is not as clear." *Id.* at 945. A reasonable construction of "likely" is at least a 50 percent chance (more likely than not). *Id.* at 949. In any case, the level of certainty relied upon by the Service must be based on consideration of the relevant statutory factors using the best available science. *Id.* at 947.

Likewise, "in danger of extinction" is not a fixed term, but its construction must be grounded in the best available science. *See id.* at 948. Certainly, "in danger of extinction" does not mean a "high risk of extinction." *Western Watersheds Project*, 2005 WL 2002473, *17 (D. Id. 2005). "Instead, the required danger level for extinction necessarily depends on the applicable scientific viability assessments for the particular species." *Lohn*, 645 F.Supp. at 948. For example, a one to five



percent risk of extinction in 100 years can create a discernible risk of extinction. Foss, 2005 WL 2002473, *15 (citing Center for Biological Diversity v. Lohn, 296 F.Supp.2d 1223, 1232 (W.D.Wash.2003)).

The term "foreseeable future" must also be defined by reference to the best available science. *See Foss*, 2005 WL 2002473, *15-17. As the Service recognized in a 2009 Solicitor Memorandum, "[t]he Secretary's analysis of what constitutes the foreseeable future for a particular listing determination must be rooted in the best available data that allow predictions into the future, and the foreseeable future extends only so far as those predictions are reliable. 'Reliable' does not mean 'certain'; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act." M-Opinion 37021 at 13. What must be avoided is "speculation." *Id.* at 8.

The corollary is that the Service may not dismiss a risk of extinction that may be reasonably forecasted by science. See Foss, 2005 WL 2002473, *15-17. It "defies common sense" to define "foreseeable future" to exclude the timeframe in which [the best available science] predict[s] extinction. Id. at 15. Prediction of the future is necessarily grounded in the "data and logic" of today. M-Opinion 37021 at 8. As one court reasoned, if a species will be endangered in the future if current circumstances continue, "it is clearly threatened today." Biodiversity Legal Found. v. Babbitt, 943 F. Supp. 23, 25 n.5 (D.D.C. 1996).

With respect to the Sonoran desert tortoise, the Service failed to properly apply the ESA's standards for "threatened" and "endangered" and the terms included therein when deciding not to list the species. This includes failing to properly define and analyze whether the Sonoran desert tortoise is likely to become endangered in the "foreseeable future."

The Service also arbitrarily limited its foreseeable future assessment for Sonoran desert tortoises to only three generations of tortoises (75 years). The population viability model undertaken in the 2015 species assessment for the Sonoran desert tortoise goes out to 200 years (approximately 8 generations) but for "policy reasons" the Service based its "not-warranted" finding on only a 75 year (3 generation) timeframe. This – according to the best available science and the Service's own policy – is too short for a long-lived species like the Sonoran desert tortoise, well below the timeframe used for the Mojave desert tortoise, and conflicts with the ESA and how "foreseeable future" is to be interpreted. Very few, if any, species will qualify for listing based on a *three* generation timeframe.

Fifth, the Service's interpretation of "significant portion" and determination that the Sonoran desert tortoise is "not in danger of extinction in a significant portion of its range" is arbitrary and conflicts with the ESA.



Under the ESA and the Service's implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so throughout all or "a *significant* portion of its range."

The evaluation of whether a portion of the species range is "significant" typically involves a number of variables and factors, including (but not limited to) the size of the area, the percentage of the species' range, its biological and/or ecological importance, unique factors and habitat conditions, its importance for maintaining connectivity amongst subpopulations and facilitating genetic exchange, and whether its loss would result in the loss of a unique or critical function of the species. The focus of the analysis must be on the portion itself.

In 2014, the Service published a final rule interpreting the phrase "significant portion of its range." 79 Fed. Reg. 37,578 (July 1, 2014). The policy demands a high threshold for identifying a "significant portion." A portion of a species' range will only be deemed "significant" if its "contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range." *Id.* at 37,609. In other words, to qualify as a "significant portion" of a species' range, the loss of members in that portion must ultimately threaten the entire listable entity.

Here, the Service applied the 2014 policy's definition of "significant portion" and determined the Sonoran desert tortoise is not in danger of extinction in a "significant portion of its range." In so doing, the Service looked only at the tortoises' current range to determine whether there were any "geographic concentrations of potential threats to the species." The Service concluded that "generally speaking," the risk factors "affecting the tortoise occur throughout the range of the species" but recognized that portions of the range "that are within and near urban development may be subject to impacts not found throughout the range of the species." 80 Fed. Reg. at 60,335.

The Service then evaluated this portion of the tortoises' range to determine if it is "significant" as defined by the 2014 policy, i.e., if the loss of tortoises in the area subject to urban development would threaten the entire species (Sonoran desert tortoises and Arizona and Mexico). The Service's conclusion was that – if lost – this area would only "represent a loss of 9 percent of available habitat" and "at this scale, we have no information to suggest that the remaining 91 percent of available habitat would not support sufficient resiliency and redundancy." *Id.* The Service also said there are not "unique or genetic values" of tortoises in this area that would need to be maintained for the entire species. *Id.*

This finding is arbitrary and conflicts with the ESA because the Service's definition of "significant" – as defined in the 2014 policy and applied here – conflicts



with the ESA by raising the bar too high. Insisting that the loss of members in the portion threaten the entire listable entity in order to qualify as "significant" is the functional equivalent to requiring threats "throughout all" the species' range. As such, the definition makes listing a species throughout all of its range redundant. There is no separate and independent basis for listing as species in a "significant portion of its range" as envisioned by Congress. *See Desert Survivors v. U.S. Dept. of the Interior*, 321 F. Supp. 3d 1011 (N.D. Cal. 2018); *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946 (D. Ariz. 2017).

The Service's finding is also arbitrary and conflicts with the ESA because: (1) the Service only evaluated "endangered" status and never considered and evaluated whether the Sonoran desert tortoise qualifies for "threatened" status, i.e., whether it is likely to become endangered in the foreseeable future in a "significant portion of its range"; (2) the Service's finding is premised solely on whether there are "geographic concentrations" of potential threats in a portion of the species' range and never considered and evaluated other "significant" variables or factors; (3) the Service places inappropriate weight on its finding that threats to the Sonoran desert tortoises are not "geographically concentrated" but this is not the test (some threats like climate change may be widespread); (4) the Service has no population data (actual or trend) on tortoises necessary to make a "significance" finding (only a coarse and unhelpful habitat proxy model); and (5) the Service's finding was made in the absence of any consideration of whether other, non-urban portions of the tortoises range may be significant. The Service, for example, never evaluated whether the tortoises' Arizona and/or Mexico range is a "significant portion," even though the Service concedes the threats to the species differ in Mexico and even though there is substantial evidence that they may be. The Service also never evaluated whether certain mountain ranges and subpopulations within the Sonoran desert tortoises' range qualify as "significant." This includes but is not limited to areas facing more severe threats from non-native grass (including the invasion of buffelgrass) and climate change.

Sixth, the Service's "not warranted" finding relies too heavily on largely voluntary and highly speculative actions that may or may not be taken by the State of Arizona and Mexican government.

Pursuant to section 4(b)(1)(A) of the ESA, 16 U. S.C. § 1533 (b)(1)(A), and the Service's implementing regulations, the Service must make listing determinations after "conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State" to protect such species. The Service can rely on conservation efforts, including state-initiated efforts, so long as they are binding and current, not voluntary or future, and have a proven track record of success. See Save Our Springs v. Babbitt, 27 F. Supp. 2d 739, 748 (W.D. Tex. 1997); Oregon Natural Res. Council v. Daley, 6 F. Supp. 2d 1139, 1153 (D. Or. 1998); Fed'n of Fly Fishers v. Daley, 131 F. Supp. 2d 1158, 1165 (N.D. Cal. 2000); Ctr. For



Biological Diversity v. Morgenweck, 351 F. Supp. 2d 1137, 1141 (D. Colo. 2004). A sufficient track record of success is two years. Save Our Springs, 27 F.Supp. 2d at 748. Any conservation effort relied upon by the Service must also have been submitted for public notice and comment. Id.; see also Morgenweck, 351 F. Supp. 2d at 1141.

Here, the Service's "not warranted" finding for the Sonoran desert tortoise inappropriately relies on non-binding efforts to conserve the species from the State of Arizona and purported "protected areas" in Mexico. The Service's decision to rely on efforts in Mexico is particularly egregious considering the veritable lack of necessary data, public lands, enforcement capacity, and binding accountability to the species' conservation in the region. The Service also fails to take into account and analyze the impacts to Sonoran desert tortoise conservation efforts from the existing and proposed barrier along the United States and Mexico border and associated on-the-ground enforcement activities.

Seventh, the Service's "not warranted" and related findings are unsupported by reliable and meaningful data. Pursuant to the ESA and APA, the Service's findings – including listing decisions – must be supported by reliable and meaningful data and evidence and there must be a rational connection between the facts found in the record and the ultimate choice made. See Defenders of Wildlife v. Babbitt, 958 F. Supp. 670 (D.D.C. 1997). Here, the Service's decision fails to utilize the best available science (as outlined above) and fails to provide biological support and data for its conclusion that the Sonoran desert tortoise is "not warranted" for listing. While the Service can "draw conclusions based on less than conclusive scientific evidence, it cannot base its conclusions on no evidence." National Assoc. of Home Builders v. Norton, 340 F.3d 835, 847 (9th Cir. 2003).

Wherefore, this sixty day notice letter serves to put the Service on notice of its liability for violating the ESA and inform the Agency of our intent to file a citizen suit under the ESA seeking the appropriate relief.

Sincerely,

/s/ Matthew Bishop
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From: Greg Sheehan
To: dhahn@fishwildlife.org

Subject: Fwd: Briefing Paper on Status of Trapping Signage

Date: Monday, September 11, 2017 8:56:33 AM

Attachments: <u>ATT00001.htm</u>

Briefing Statement Trapping 917.docx

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

Begin forwarded message:

From: "Martinez, Cynthia" < cynthia_martinez@fws.gov">cynthia_martinez@fws.gov>

To: Greg Sheehan < greg j sheehan@fws.gov >

Cc: Jim Kurth < <u>iim_kurth@fws.gov</u>>, Stephen Guertin

<stephen_guertin@fws.gov>, Shaun Sanchez <shaun_sanchez@fws.gov>

Subject: Briefing Paper on Status of Trapping Signage

Greg,

Per your request, attached is a Briefing Paper that provides a status update on implementation of House Report 114-632 pertaining to new requirements for posting information on trapping on National Wildlife Refuges.

Please let me know if you have any questions or need more information.

Thanks Cynthia



BRIEFING STATEMENT

PREPARED FOR: Greg Sheehan, Principle Deputy Director, U.S. Fish and Wildlife Service

FROM: Cynthia Martinez, Chief, National Wildlife Refuge System

DATE: September 7, 2017

SUBJECT: Trapping Signage in the National Wildlife Refuge System

PURPOSE OF BRIEFING STATEMENT: Provide status update on implementation of House Report 114-632 pertaining to new requirements for trapping signage on National Wildlife Refuges.

BACKGROUND: Trapping programs on NWRS lands are implemented to accomplish wildlife management objectives that contribute to the purpose and mission of the individual refuge, as well as the mission of the National Wildlife Refuge System (NWRS). Trapping is often used to control predators and to manage populations that impact refuge habitats and infrastructure. Trapping is also viewed by the Service as a legitimate recreational and economic activity when there are harvestable surpluses of furbearing mammals.

House Report 114–632 and explanatory statement directed the Service to institute signage on any refuge where trapping occurs and establishing guidance to be included in the Sign Handbook. The House report also directed the Service to post information on the National Wildlife Refuge System website and the websites of individual refuges where trapping occurs. The report concluded that until that Committee has been informed that the Service has fully complied with this directive, \$2,000,000 of the funding provided for Wildlife and Habitat Management is not available for obligation.

This directive applies to trapping for both recreation and management purposes when it involves leg-hold, conibears and snares. It does not apply to mist nets, rocket nets, live traps, etc. This directive does not apply to Alaska refuges, Waterfowl Production Areas or coordination areas. Trapping with leg-hold, conibear and/or snares for management and/or recreation occurs on approximately 175 refuges, it does not occur on the remaining ~390 refuges.

ACTIONS AND PROGRESS: The House Appropriations bill specifically directed the Service to:

No Later than August 15

- Post on USFWS website a list of all refuges where trapping occurs COMPLETE
 - o https://www.fws.gov/refuges/visitors/trapping.html
- *Issue* a Director's Memo directing that by December 31, 2017, Regions must post signs at each refuge where trapping occurs *COMPLETE*
 - o August 11 memo, DCN 66250

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No Later than October 15

- Revise USFWS Sign Handbook to include trapping signage IN PROCESS
 - o Drafting handbook to incorporate trapping language posted online with instructions for posting signage.
- Post trapping information on all individual refuge websites where trapping occurs IN PROCESS
 - o Roles and Responsibilities



- <u>DVSC</u>, <u>Branch of Digital Services and Communications</u> will review, revise instructions for updating individual refuge websites with trapping information and distribute to VS Chiefs, CMS/web staff.
- Regional Offices, Visitor Service Chiefs: will post the trapping information as provided per August 16th VSC chiefs' call.

No Later than December 31

- Regions will post signs at each refuge where trapping occurs IN PROCESS
 - o Roles and Responsibilities (per August 16th VSC chiefs' call)
 - Sign design approval HQ DVSC
 - Physical sign production Sign Company/HQ DVSC
 - Develop and distribute instructions for posting signs Chief Memo (in draft)
 - Physical sign delivery to individual refuges Sign Company send direct to refuges as listed on Nat'l webpage, paid by HQ DVSC
 - Posting physical signs refuge managers or their designee
 - Confirmation of refuge websites and sign posting Regional Refuge Chief via reporting form in Chiefs Memo (in draft)

When all above actions are completed

- The Service will inform the Committee that it has fully complied with the directive.
 - o Roles and Responsibilities
 - <u>External Affairs</u>, <u>Division of Congressional and Legislative Affairs</u>: notify Committee

NEXT STEPS

- The Service is in process and on schedule to add a new trapping sign and guidance to the National Wildlife Refuge System Sign Handbook by October 15th, 2017.
- The Chief, NWRS will issue a guidance memo with detailed implementation instructions and accomplishment reporting forms for Regions to report when websites are updated and signs have been posted. This is necessary to accurately report completion.
- Per the Directors Memorandum, Regions will ensure individual refuges websites will include trapping information by October 15th, 2017, at every refuge where trapping occurs.
- Per the Directors Memorandum, Regions will post trapping signage by December 31st, 2017, at every refuge where trapping occurs.

ATTACHMENTS



ATTACHMENTS



United States Department of the Interior



FISH AND WILDLIFE SERVICE Washington, D.C. 20240

AUG 1:1 2017

In Reply Refer To: FWS/NWRS-NRCP/066250

Memorandum

To:

Regional Directors, Regions 1-8

FPrincipal Depptyector

Subject:

New Directice on Trapping in the National Wildlife Refuge System

In response to a directive in House Appropriations Bill H.R. 5538, this memorandum instructs the Chief, National Wildlife Refuge System and Regional Directors to implement new requirements to inform the public when trapping occurs on units of the National Wildlife Refuge System:

The Chief, National Wildlife Refuge System will:

- No later than August 15, 2017, post on the National Wildlife Refuge System website a list of refuges where trapping occurs.
- No later than October 15, 2017, include trapping signage in the Refuge System Sign Handbook.

The Regional Directors will:

- No later than October 15, 2017, ensure individual refuge websites include trapping information for all refuges where trapping occurs.
- No later than December 31, 2017, will post trapping signage at every refuge where trapping occurs.

Until the House Appropriations Committee has been informed that the Service has fully complied with this directive, \$2 million dollars of the funding provided for Wildlife and Habitat Management will not be available for obligation.

These requirements do not apply to Alaska refuges, waterfowl production areas or coordination areas. On waterfowl production areas, trapping is opened annually subject to state laws and regulations. In Alaska, the Alaska National Interest Lands Conservation Act (ANILCA) allows for subsistence uses including trapping.

If you have any questions please contact Mr. Aaron Mize, Chief, Branch of Conservation Planning and Policy Division of Natural Resources & Conservation Planning at (703) 358-2678 or via email at aaron mize @fws.gov.



Trapping information to be posted on all individual refuge websites where trapping occurs is under development by DVSC, Branch of Digital Services and Communications, the draft text is as follows:

Trapping Occurs on this Refuge.

Trapping is a wildlife management tool used on some national wildlife refuges, in accordance with the <u>conservation mission of the National Wildlife Refuge System.</u>

Trapping may be used to protect endangered and threatened species or migratory birds or control certain wildlife populations. For example, the trapping and removal of fox, skunk and raccoon before piping plover nesting season improves nest success and plover hatchling survival at a coastal refuge.

Refuges also use trapping to manage animal populations that harm wildlife habitats and infrastructure. For example, trapping may be used to control nutria (which damage marshes and wetlands) and muskrats (which burrow in refuge dikes, levees and other water control/impoundment structures).

Trapping on refuges, where permitted, follows state regulations; stricter rules may also apply. Trappers must have state licenses. Trapping for resource management purposes is conducted only by Service staff, by trappers under contract, or by the public through the issuance of refuge special use permits.

The U.S. Fish and Wildlife Service also views trapping as a legitimate recreational and economic activity when there are harvestable surpluses of fur-bearing mammals. Outside of Alaska, refuges that permit trapping as a recreational use may require trappers to obtain a refuge special use permit. Refuge special use permits and contracts often impose rules that are stricter than state regulations. These rules ensure that trapping is compatible with refuge purposes and is in the public interest. Special use permits are not required in waterfowl production areas.

Trapping on waterfowl production areas is open each year, subject to state laws and regulations. Outside of Alaska, the opening of national wildlife refuges to trapping is done in accordance with the Refuge Recreation Act (as amended in 1973), the Refuge Administration Act (as amended in 1997) and the National Environmental Policy Act. In Alaska, the Alaska National Interest Lands Conservation Act allows for subsistence uses including trapping. (See legislative mandates.)

Signs are posted on refuges where trapping occurs. Contact the refuge manager for specific regulations.

A standard sign is in development and will be added to the sign handbook along with instructions to post in a prominent location. Signs will be mailed directly to each refuge currently listed on the National Website. The proposed sign:





From: Greg Sheehan

To: rskwildturkey1@nctv.com; rskeck@basspro.com
Subject: Fwd: Carter/Bush Conservation Achievements
Date: Monday, September 18, 2017 4:06:39 PM

Attachments: <u>ATT00001.htm</u>

Carter Bush Conservation Achievements.docx

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

Begin forwarded message:

From: "Wainman, Barbara" < barbara_wainman@fws.gov>

Date: September 18, 2017 at 4:31:34 PM EDT **To:** Greg Sheehan < greg j sheehan@fws.gov>

Subject: Fwd: Carter/Bush Conservation Achievements

Here is what Chris found will leave a printed copy on your chair.

Barbara W. Wainman Assistant Director, External Affairs US Fish and Wildlife Service (202) 208-5256 (office) (571) 471-4159 (cell)

----- Forwarded message -----

From: **Tollefson**, **Chris** < chris_tollefson@fws.gov>

Date: Mon, Sep 18, 2017 at 4:25 PM

Subject: Carter/Bush Conservation Achievements

To: Barbara Wainman < barbara wainman@fws.gov >, Matt Huggler

<<u>matthew_huggler@fws.gov</u>>

Attached is what I dug up. Hope it helps!

Thanks, Chris



Chris Tollefson - Press Secretary and Senior Communications Advisor U.S. Fish & Wildlife Service - 5275 Leesburg Pike, MS: EA - Falls Church, VA 22041





Conservation Milestones during the George W. Bush Administration – (2001-2009):

- President Bush issued an Executive Order making cooperative conservation the national policy of the United States and directed Federal agencies to implement resource laws cooperatively with State, local and tribal governments, and the public.
- President Bush also issued an Executive Order to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.
- The Healthy Forest Initiative cleared dry brush and dead trees and thinned overstocked forests on 27 million acres of forest and rangelands, helping prevent catastrophic wildfires, achieve targets under the National Fire Plan, and restore these ecosystems to healthy, natural conditions.
- More than 3 million acres of wetlands were restored, improved, or protected by the Bush Administration, improving water quality and creating wildlife habitats through farm bill conservation programs, the North American Wetlands Conservation Act, and other cooperative conservation efforts.
- The administration expanded Federal tax incentives to encourage landowners to donate their property for conservation purposes. And strengthened and expanded the Conservation Reserve Program, helping ranchers and farmers restore grassland habitats on their land.
- Under the Bush Administration, 15 new National Wildlife Refuges were created, and more than 2.5 million acres were added to the National Wilderness Preservation System.
- The Administration emphasized recovery goals under the Endangered Species Act:
 - Efforts to conserve the populations of both the bald eagle and the Yellowstone grizzly bear led to their recovery and removal from the Endangered Species List.
 - The Administration listed the polar bear as a threatened species under the Endangered Species Act and has further developed a polar bear action plan to help protect the species.
- The Administration lead efforts to implement a series of highly complex, regional resource conservation and management initiatives in partnership with the States, including the Great Lakes Restoration Initiative, the Everglades Restoration Initiative, and Columbia River restoration in the Pacific Northwest.
- President Bush issued an Executive Order conserving as gamefish two of America's most popular recreational fish – striped bass and red drum – for the recreational, economic, and environmental benefit of present and future generations.



- The President signed the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 and reaffirmed our commitment to protect America's fisheries and keep our commercial and recreational fishing communities strong.
- Under President Bush's leadership, the United States achieved conservation successes in marine environments over eight years on par with what was achieved on land in the previous 100 years:
 - Released an Ocean Action Plan in 2004 and created the first ever Cabinet Committee on Ocean Policy. All 88 actions recommended in the Ocean Action Plan have been met or are on track, making our oceans' coasts and Great Lakes cleaner, healthier, and more productive.
 - Designated nearly 140,000 square miles of coral reef ecosystems and surrounding waters in the Northwestern Hawaiian Islands, which contains more than 7,000 species, many of which are found nowhere else on earth, as the Papahānaumokuākea Marine National Monument – giving the area our Nation's highest form of marine environmental protection.
 - Designated three areas of the Pacific Ocean, covering more than 195,500 square miles, as marine national monuments: the Mariana, Pacific Remote Islands, and Rose Atoll Marine National Monuments.
 - Announced the expansion of the Monterey Bay National Marine Sanctuary by 775 square miles to include the Davidson Sea Mount.
 - Protected our oceans by taking action to end overfishing and conserve habitats.

Conservation Milestones during the Carter Administration – (1977-1981):

- The Carter Administration's crowning conservation achievement was enactment of the Alaska National Interest Lands Conservation Act (ANILCA), which in 1980 set aside more than 157 million acres of land (nearly 30 percent of the State, as protected national parks, national wildlife refuges, national monuments, wild and scenic rivers, recreational areas, national forests, and conservation areas. This included:
 - Establishment of over 43.5 million acres of new national parklands in Alaska;
 - o Addition of 9.8 million acres to the National Wildlife Refuge System;
 - Designating twenty-five wild and scenic rivers, with twelve more to be studied for that designation;
 - Establishment of Misty Fjords and Admiralty Island National Monuments in Southeast Alaska:



- Establishment of Steese National Conservation Area and White Mountains National Recreation Area to be managed by the Bureau of Land Management;
- Addition of 9.1 million acres to the Wilderness Preservation System, and the addition of 3.35 million acres to Tongass and Chugach National Forests.
- President Carter was instrumental in protecting the Chattooga River as a Wild and Scenic River, as well as helping conserve rivers across Georgia and the nation.
- In 1978, President Carter signed into law the Endangered American Wilderness Act, which added about 1.3 million acres in 10 Western States to the National Wilderness System, expanded 4 existing wilderness areas and added 13 new areas. This represented at the time the largest single addition to the wilderness areas in the U.S. since the original enactment of the Wilderness Act in 1964.



 From:
 Greg Sheehan

 To:
 ben.husch@ncsl.org

 Subject:
 Fwd: FWS Question

Date: Wednesday, June 13, 2018 6:07:40 AM

Attachments: <u>ATT00001.htm</u>

FWS-R4-ES-2010-0024-0157.pdf

Ben

I was going though old emails and realized that while I got the information you requested from my staff that I may not ever have forwarded it to you. If I did then you have it twice. If I didn't then I apologize for the long delay.

Hope this is what you needed.

Thanks Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

Begin forwarded message:

From: "Frazer, Gary" < gary_frazer@fws.gov > Date: January 29, 2018 at 4:05:22 PM EST To: Greg Sheehan < greg j sheehan@fws.gov >

Subject: Re: FWS Question

Attached. This and other administrative record documents can be found in the docket for this designation (FWS-R4-ES-2010-0024) in www.regulations.gov. --GDF

Gary Frazer Assistant Director -- Ecological Services U.S. Fish and Wildlife Service (202) 208-4646

On Mon, Jan 29, 2018 at 3:48 PM, Greg Sheehan < greg j sheehan@fws.gov> wrote:

Gary

Could you send me this electronically and I will forward.

Thanks



Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

Begin forwarded message:

From: Ben Husch < ben.husch@ncsl.org > Date: January 29, 2018 at 3:00:34 PM EST

To: "Greg J Sheehan@fws.gov" < Greg J Sheehan@fws.gov>, "jason_larrabee@ios.doi.gov" < jason_larrabee@ios.doi.gov>

Subject: FW: FWS Question

Greg and Jason,

Good afternoon and apologies for coming out of right field. Toddy Wynn passed along your contact info so hope you don't mind me reaching out.

Specifically I was looking for a copy of the economic analysis that FWS did on the dusky gopher frog case – potentially the analysis done for the draft listing and final listing.

I was not sure if might be online or if you had a shareable PDF copy. Thanks in advance!

-Ben

Ben Husch

Senior Committee Director, Natural Resources and Infrastructure Committee

National Conference of State Legislatures

444 North Capitol St., NW Suite 515



Washington, DC 20001 202-624-7779 www.ncsl.org Strong States, Strong Nation From: Wynn, Todd [mailto:todd_wynn@ios.doi.gov] **Sent:** Monday, January 29, 2018 1:21 PM **To:** Ben Husch < ben.husch@ncsl.org > **Subject:** Re: FWS Question Sure.

Here are a couple of contacts at FWS that may be helpful:

Greg Sheehan, principal deputy director FWS, Greg J Sheehan@fws.gov

Jason Larrabee, principal deputy assistant secretary ASFWP, jason larrabee@ios.doi.gov

Let me know if you need anything else!

Todd

On Fri, Jan 26, 2018 at 2:18 PM, Ben Husch <<u>ben.husch@ncsl.org</u>> wrote:

Todd



I have an FWS question – specifically around the dusky gopher frog SCOTUS case and the economic analysis that FWS did (I'm trying get a hold of a copy) and hoping you might be able to connect with someone at FWS who might know where to find it. Thanks!

-Ben

Ben Husch

Senior Committee Director, Natural Resources and Infrastructure Committee

National Conference of State Legislatures

444 North Capitol St., NW Suite 515

Washington, DC 20001

202-624-7779

www.ncsl.org

Strong States, Strong Nation

--

Todd M. Wynn

Director of the Office of Intergovernmental and External Affairs

Office of the Secretary



U.S. Department of the Interior

Desk: (202) 208-6649

Cell: (202) 897-7269

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.



IEc

ECONOMIC ANALYSIS OF CRITICAL HABITAT DESIGNATION FOR THE DUSKY GOPHER FROG

Final | April 6, 2012

prepared for:

U.S. Fish and Wildlife Service

4401 N. Fairfax Drive

Arlington, VA 22203

prepared by:

Industrial Economics, Incorporated

2067 Massachusetts Avenue

Cambridge, MA 02140





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LIST OF ACRONYMS

Act Endangered Species Act

Camp Shelby Joint Forces Training Center

CEQA California Environmental Quality Act

CHD critical habitat designation

Corps U.S. Army Corps of Engineers

CWA Clean Water Act

DOD U.S. Department of Defense
EIR Environmental Impact Report

EPA Environmental Protection Agency

ESA Endangered Species Act

FERC Federal Energy Regulatory Commission

FWS Fish and Wildlife Service

gopher frog Dusky gopher frog

HCP Habitat Conservation Plan

HFRP Mississippi Healthy Forest Reserve Program

HMA Habitat Management Area
IEc Industrial Economics, Inc.

INRMP Integrated Natural Resource Management Plan

MSARNG Mississippi Army National Guard

NGB National Guard Bureau

NPDES National Pollution Discharge Elimination System

NRCS Natural Resources Conservation Service
OMB U.S. Office of Management and Budget

PCEs Primary Constituent Elements

RFA Regulatory Flexibility Act
SBA Small Business Administration

SBREFA Small Business Regulatory Enforcement Fairness Act

Service U.S. Fish and Wildlife Service

TNC The Nature Conservancy

Tradition Properties Columbus Communities, L.L.C. – Tradition Properties, Inc.

USFS U.S. Forest Service

Ward Bayou WMA Ward Bayou Wildlife Management Area





EXECUTIVE SUMMARY

- 1. The purpose of this report is to identify and analyze the potential economic impacts associated with the designation of critical habitat for the dusky gopher frog, also known as the Mississippi gopher frog (*Rana sevosa*, hereafter "gopher frog"). This report was prepared by Industrial Economics, Incorporated (IEc), under contract to the U.S. Fish and Wildlife Service (Service).
- 2. The gopher frog was listed as endangered on December 4, 2001. On November 27, 2007, the Center for Biological Diversity and Friends of Mississippi Public Lands filed a lawsuit against the Service and the Secretary of the Interior for their failure to designate critical habitat for the frog in a timely manner. In a settlement approved by the court on June 11, 2008, the Service agreed to submit to the Federal Register a proposed rule designating critical habitat for the gopher frog by May 30, 2010 if designation was found prudent and determinable. The proposed critical habitat designation was published on June 3, 2010.
- 3. Based on information received during the comment period on the Proposed Rule, the Service revised the area proposed as gopher frog critical habitat to include additional area around the breeding ponds in Mississippi and the addition of a unit in Louisiana. The revised proposed critical habitat areas are described in the revised proposed critical habitat determination, which was published concurrently with the Notice of Availability (NOA) for the draft economic analysis.⁴ These areas were further revised, the comment period was reopened, and a public hearing was announced on January 17, 2012. This revision decreased the area proposed as critical habitat to reflect a decreased maximum distance of gopher frog movement between breeding pods and upland habitat.⁵ Since this publication, the Service has decreased the proposed critical habitat in Unit 10 by 54 acres to remove a portion of an agricultural field.⁶ This analysis considers the economic effects of designating the proposed revised critical habitat as published on January 17, 2012 and including the reduction to proposed Unit 10 (the study area for this analysis).
- 4. The Service is proposing to designate a total of 6,477 acres across 12 units, three of which--Units 2, 4, and 5 are divided into two subunits--as gopher frog critical habitat.

⁶ Personal communication with Service biologist, Jackson Field Office, March 16, 2012.



¹ 66 FR 62993.

² Friends of Mississippi Public Lands and Center for Biological Diversity v. Kempthorne (07-CV-02073).

³ 75 FR 31387.

⁴ 75 FR 77817.

⁵ 77 FR 2254.

The proposed designation covers area in one Louisiana parish and four Mississippi counties: St. Tammany, LA (1,544 acres); Harrison, MS (1,655 acres); Jackson, MS (1,717 acres); Forrest, MS (598 acres); and Perry, MS (961 acres). Approximately 54 percent of the proposed critical habitat falls on Federally-owned land, 42 percent falls on private land, and the remaining 4 percent falls on state-owned land. Occupied areas make up approximately 18 percent (1,197 acres) of the proposed designation. Occupied habitat for the gopher frog is limited to four areas: Subunit 2a located primarily within the DeSoto National Forest; Subunit 4a located on private land; Subunit 5a located on private land; and Unit 7 is located primarily within state-owned land held in trust as a local funding source for education in Jackson County. Unoccupied areas make up approximately 82 percent (5,280 acres) of the designation. The unoccupied proposed critical habitat falls within the historical range of the gopher frog. Exhibit ES-1 provides an overview of proposed critical habitat for the gopher frog.

5. This final economic analysis analyzes the proposed designation as described in the proposed rule, with the changes noted above. This analysis does not reflect changes to the proposed critical habitat designation made in the final rule. Consequently, description of the habitat designation in the final rule may differ from maps and figures presented in this analysis.⁸

FOCUS OF THE ECONOMIC ANALYSIS

- 6. This analysis describes economic impacts to active species management, development, forestry, and military activities associated with designation of critical habitat for the gopher frog. To provide an understanding of the potential economic impacts, this analysis: 1) determines the scope and scale of economic activities within proposed critical habitat; 2) identifies threats to gopher frog habitat associated with these economic activities; 3) identifies conservation measures that may be implemented to avoid or minimize these threats; and, 4) to the extent feasible, quantifies the economic costs of these measures.
- 7. The analysis separates conservation measures into two distinct categories according to "without critical habitat" and "with critical habitat" scenarios. The "without critical habitat" scenario represents the baseline for the analysis, considering protections otherwise afforded to the gopher frog, for example under other Federal, State, and local regulations. The "with critical habitat" scenario describes the incremental impacts specifically due to designation of critical habitat for the species. In other words, these incremental conservation measures and associated economic impacts would not occur but for the designation. Economic impacts are only quantified for conservation measures implemented specifically due to the designation of critical habitat (i.e., incremental impacts). Conservation measures implemented under the baseline (without critical

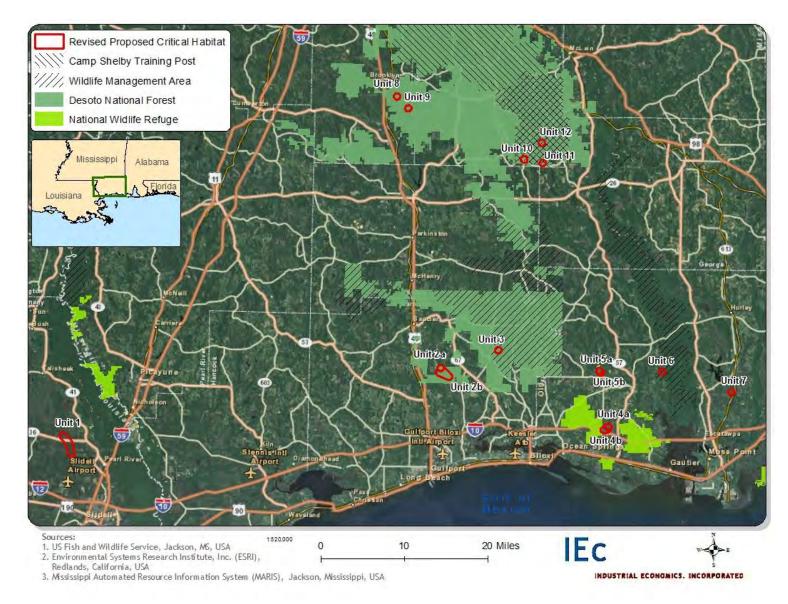
⁸ For a detailed discussion of public comments on the draft economic analysis and associated responses, refer to the responses to public comment section of the final rule.



⁷ Personal communication with Service biologist, Jackson Field Office, May 20, 2011.

- habitat) scenario are described qualitatively within the report, but economic impacts associated with these measures are not quantified.
- 8. This analysis considers both direct and indirect costs. Indirect costs may result from the influence of critical habitat designation on the decisions of regulators and decision-makers other than the Service (e.g., State agencies and land managers).
- 9. Because the Service believes that the direct benefits of the Proposed Rule are best expressed in biological terms, this analysis does not quantify or monetize benefits. However, a qualitative discussion of economic benefits is provided in Chapter 5.

EXHIBIT ES-1 OVERVIEW PROPOSED CRITICAL HABITAT FOR DUSKY GOPHER FROG





SUMMARY OF FINDINGS

- 10. The following points summarize the key issues and conclusions of this report:
 - Present value incremental impacts are estimates to range from \$102,000 to \$34.0 million assuming a seven percent discount rate or \$106,000 to \$35.3 million assuming a three percent discount rate. The reason for the broad range in incremental impacts stems from uncertainty regarding the likelihood of a Federal nexus for development activities in Unit 1 and the conservation measures that the Service may recommended if consultation does occur. To address this uncertainty, we estimate potential economic impacts of designating Unit 1 as critical habitat according to three scenarios:
 - Scenario 1 This scenario assumes that development occurring within the unit avoids impacts on jurisdictional wetlands. As such, there is no Federal nexus (no Federal permit is required) triggering section 7 consultation regarding gopher frog critical habitat. Absent consultation, no conservation measures are implemented for the species and critical habitat designation of Unit 1 does not result in any incremental economic impact.

Total present value incremental impacts of critical habitat designation of the remaining units are \$102,000 (\$9,610 in annualized impacts) over the timeframe of the analysis (2012 to 2031) applying a seven percent discount rate.

Scenario 2 – This scenario assumes the proposed development of Unit 1 requires a U.S. Army Corps of Engineers (Corps) Clean Water Act (CWA) Section 404 permit due to the presence of jurisdictional wetlands. The development would therefore be subject to section 7 consultation considering critical habitat for the gopher frog. This scenario further assumes that the Service works with the landowner to establish conservation areas for the gopher frog within the unit. The Service anticipates that approximately 40 percent of the Unit may be developed in the case that 60 percent is managed for gopher frog conservation and recovery. According to this scenario, present value incremental impacts of critical habitat designation due to the lost option for developing 60 percent of Unit 1 lands are \$20.4 million.

Total present value incremental impacts of critical habitat designation across all units are therefore \$20.5 million (\$1.93 million in annualized impacts) applying a seven percent discount rate.

Scenario 3 – This scenario again assumes that the proposed development of Unit 1 requires a Section 404 permit and therefore is subject to section 7 consultation. This scenario further assumes that, due to the importance of the unit in the conservation and recovery of the species, the Service recommends that no development occur within the unit. According to



this scenario, present value impacts of the lost option for development in 100 percent of the unit are \$33.9 million.

Total present value incremental impacts of critical habitat designation across all units are therefore \$34.0 million (\$3.21 million in annualized impacts) applying a seven percent discount rate.

Incremental impacts stemming from additional gopher frog conservation measures requested by the Service during section 7 consultation are not expected in occupied areas because project modifications that may be needed to minimize impacts to the species would coincidentally minimize impacts to critical habitat. In unoccupied areas (e.g., Unit 1), project modifications resulting from consultation are considered incremental impacts of the critical habitat designation. 10

- According to Scenarios 2 and 3, the majority of incremental impacts are related to the lost development value in Unit 1. Under Scenarios 2 and 3, as described above, over 99 percent of the estimate incremental impacts are related to the lost development value of Unit 1. Unit 1 is planned for large-scale, future development. The area is currently managed for timber, but was recently rezoned to allow for mixed-use and residential development. In the case that development within this unit is subject to section 7 consultation regarding gopher frog critical habitat, the Service will make conservation recommendations. Scenario 2 assumes that a compromise with the landowners will be reached in which development is avoided on 926 acres of the unit in order to provide for conservation and recovery of the species, while the remaining 618 acres is developed. Scenario 3 assumes complete avoidance of critical habitat is necessary to avoid adverse modification of critical habitat. In the case that development of all or a portion of this unit is precluded due to the designation of critical habitat, incremental economic impacts are expected in the form of reduced land values. That is, the total value of the land would be reduced by the fraction of the value associated with the option for potential future development. Because this unit is unoccupied by the gopher frog, limitations on development would be attributable to the critical habitat designation alone and therefore would be considered incremental impacts.
- Incremental impacts are also related to active species management activities.

 Because the United States Forest Service (USFS) in Mississippi has been working closely with the Service for many years, many actions are already in place or underway for the gopher frog even absent critical habitat designation.

 These efforts fall under the baseline for this analysis and are not quantified. The quantified incremental impacts to species management are related to the administrative cost of addressing adverse modification in section 7 consultation.

¹⁰ Ibid.



⁹ FWS to Industrial Economics, Inc., August 16, 2010, "Incremental Effects Memorandum for the Economic Analysis of Proposed Rule to Designate Critical Habitat for the Mississippi Gopher Frog." (see Appendix C)

Three future consultations are expected related specifically to gopher frog and other species management efforts – these include a programmatic consultation for activities on lands managed by the USFS, a programmatic consultation for activities within Ward Bayou Wildlife Management Area (Ward Bayou WMA), and a re-initiation of consultation with the Natural Resource Conservation Service for the Mississippi Healthy Forest Reserve Program. The present value of incremental impacts to species management is estimated to be \$64,500, or \$6,090 annualized over the analysis timeframe (2012 to 2031, applying a seven percent discount rate). Impacts related to species management activities represent roughly 0.2 percent of anticipated incremental impacts (discounted at seven percent).

- Incremental impacts to military readiness could result from proposed critical habitat designation in Units 10, 11, and 12. USFS lands proposed as critical habitat for the gopher frog in Units 10, 11, and 12 are used by the Mississippi Army National Guard under a special use permit as part of the Camp Shelby Joint Forces Training Center (Camp Shelby). This analysis assumes that USFS will engage in a programmatic consultation with the Service in 2012 to address issuance of the special use permit which authorizes training activities within the proposed critical habitat. Department of Defense (DOD) requests exclusion of these units given Camp Shelby's importance as a training facility for the Army National Guard, Army and other military services.
- Outside of Unit 1, potential impacts to residential development activities are anticipated to be limited. 59 acres of proposed critical habitat overlap a planning area for a large-scale development known as Tradition (in Subunits 2a and 2b). However, because the area is occupied by the species and current plans appear to include leaving proposed critical habitat areas as wetlands/open space, it is not apparent that gopher frog critical habitat designation will result in a land use change at Tradition. Thus, this analysis assumes that while the Corps is expected to reinitiate consultation to address the potential for adverse modification of critical habitat on the gopher frog, no additional project modifications will result due to critical habitat. The analysis recognizes that a portion of unoccupied Unit 4 is currently used for rural residential development, and that some potential for future consultation exists in that area. However, no development plans are known at this time; therefore the analysis does not forecast potential impacts related to development in this unit.
- A Habitat Conservation Plan (HCP) could be developed to address potential impacts of forestry activities on State School Lands. Although normal silvicultural activities are exempt from section 404 permitting requirements, it is possible that the State of Mississippi, who own lands in Unit 7, could feel compelled to develop an HCP for their forestry activities following critical habitat designation. Although this unit is occupied by the gopher frog, this analysis assumes that critical habitat has the potential to trigger development of



this HCP. Potential project modifications associated with this HCP are not known at this time, and hence are not quantified in this analysis.

INCREMENTAL IMPACTS OF GOPHER FROG CONSERVATION

11. Exhibit ES-2 summarizes incremental impacts of gopher frog conservation over the next 20 years (2012 to 2031) by unit and subunit. To calculate present value and annualized impacts, guidance provided by U.S. Office of Management and Budget (OMB) specifies the use of a real annual discount rate of seven percent. In addition, OMB recommends conducting a sensitivity analysis using other discount rates, such as three percent. Accordingly, all cost figures presented in Chapters 3 and 4 of this analysis describe present value cost impacts assuming a seven percent discount rate. Appendix B reports forecast impacts assuming a discount rate of three percent to highlight the sensitivity of the results to the discount rate assumption.

¹² U.S. Office of Management and Budget, Circular A-4, September 17, 2003 and U.S. Office of Management and Budget, "Draft 2003 Report to Congress on the Costs and Benefits of Federal Regulations; Notice," 68 Federal Register 5492, February 3, 2003.



ES-8

^{11 &}quot;A real discount rate that has been adjusted to eliminate the effect of expected inflation should be used to discount constant-dollar or real benefits and costs. A real discount rate can be approximated by subtracting expected inflation from a nominal interest rate... Constant-dollar benefit-cost analyses of proposed investments and regulations should report net present value and other outcomes determined using a real discount rate of 7 percent. This rate approximates the marginal pretax rate of return on an average investment in the private sector in recent years." U.S. Office of Management and Budget, Circular A-94 Revised, October 29, 1992.

EXHIBIT ES-2 INCREMENTAL IMPACTS OF GOPHER FROG CONSERVATION BY UNIT AND SUBUNIT (2012 - 2031, 2011 DOLLARS)

UNIT/SUBUNIT	THREE PERCENT DISCOUNT RATE			SEVEN PERCENT DISCOUNT RATE			
	SCENARIO 1	SCENARIO 2	SCENARIO 3	SCENARIO 1	SCENARIO 2	SCENARIO 3	
1*	\$0	\$21,200,000	\$35,200,000	\$0	\$20,400,000	\$33,900,000	
2a	\$4,000			\$3,860			
2b	\$4,000			\$3,860			
3	\$8,760			\$8,430			
4a	\$0			\$0			
4b	\$0			\$0			
5a	\$7,230			\$6,960			
5b	\$7,230			\$6,960			
6	\$26,300			\$25,300			
7	\$4,410			\$4,240			
8	\$8,760			\$8,430			
9	\$8,760			\$8,430			
10	\$8,760			\$8,430			
11	\$8,760			\$8,430			
12	\$8,760			\$8,430			
Total	\$106,000	\$21,300,000	\$35,300,000	\$102,000	\$20,500,000	\$34,000,000	
Annualized	\$7,110	\$1,430,000	\$2,380,000	\$9,610 \$1,930,000 \$3,210,000			

Notes: Totals may not sum due to rounding.

- 12. We estimate present value incremental impacts of critical habitat designation of \$102,000, \$20.5 million, or \$34.0 million according to three scenarios (applying a seven percent discount rate). This equates to \$9,610, \$1.93, and \$3.21 million in annualized impacts (applying a seven percent discount rate). Under Scenario 1 all incremental impacts stem from the administrative costs of future section 7 consultations. According to Scenarios 2 and 3, the vast majority of the incremental impacts stem from the lost development value of land in Unit 1. Less than one percent of the incremental impacts stem from the administrative costs of future section 7 consultations under Scenarios 2 and 3.
- 13. According to Scenario 1, the greatest incremental impacts are forecast to occur in Unit 6 where present value impacts are equal to \$25,300 (24.8 percent of overall incremental impacts), applying a seven percent discount rate. Under Scenarios 2 and 3, the greatest incremental impacts are forecast to occur within Unit 1 where present value impacts are equal to \$20.4 million or \$33.9 million, respectively (99.5 and 99.7 percent of overall incremental impacts), applying a seven percent discount rate. No incremental impacts are forecast in Subunits 4a and 4b.



^{*} This analysis employs three scenarios to estimate impacts of critical habitat designation in Unit 1 due to uncertainty regarding future land use and gopher frog conservation and recovery recommendations.

14. Exhibit ES-3 presents present value and annualized incremental impacts by activity. According to Scenario 1, impacts to species management represent the majority (63.4 percent) of the total incremental impacts with a present value of \$64,500 (applying a seven percent discount rate). Under Scenarios 2 and 3, impacts to development activities represent the majority (99.5 and 99.7 percent) of total incremental impacts with a present value of \$20.4 million and \$33.9 million (applying a seven percent discount rate).

EXHIBIT ES-3 PRESENT VALUE AND ANNUALIZED INCREMENTAL IMPACTS OF GOPHER FROG CONSERVATION BY ACTIVITY (2012 - 2031, 7 PERCENT DISCOUNT RATE, 2011 DOLLARS)

ACTIVITY	PRESENT VALUE IMPACTS			ANNUALIZED IMPACTS			
	SCENARIO 1	SCENARIO 2	SCENARIO 3	SCENARIO 1	SCENARIO 2	SCENARIO 3	
Species Management			\$64,500			\$6,090	
Development*	\$7,710	\$20,400,000	\$33,900,000	\$728	\$1,920,000	\$3,200,000	
Forestry			\$4,240			\$400	
Military			\$25,300			\$2,390	
Total	\$102,000	\$20,500,000	\$34,000,000	\$9,610	\$1,930,000	\$3,210,000	

Notes: Totals may not sum due to rounding.

KEY SOURCES OF UNCERTAINTY

- **Economic impacts in Unit 1:** The most significant source of uncertainty in this analysis is the economic impact of critical habitat designation on potential development activities in Unit 1. This unit is not occupied by the gopher frog and, consequently, impacts of future species conservation efforts are due to the critical habitat designation (i.e., are incremental impacts). The specific nature of the potential future use of this land proposed for critical habitat is uncertain. Due to regional development pressure, the current landowners plan to sell the land, currently managed for timber production, for residential and development (although the type, distribution, and timing of the ultimate development are uncertain at this time). The analysis quantifies the economic impact according to three possible future scenarios within this unit. The scenarios represent a range of possible impacts associated with no restrictions on land use in Scenario 1, to complete avoidance of development of the land in Unit 1 according to Scenario 3. Landowners anticipate the economic impact could be even greater in the case that other potential land uses, such as timber management or oil and gas development are restricted due to the designation of critical habitat. Exhibit 4-1 details the uncertainties associated with the evaluation of impacts of critical habitat designation in Unit 1.
- Potential for additional conservation measures: An additional source of uncertainty is the potential for the Service to request additional conservation measures specifically to avoid adverse modification in future section 7 consultations.



^{*} This analysis employs three scenarios to estimate impacts of critical habitat designation on development in Unit 1 due to uncertainty regarding future land use and gopher frog conservation and recovery recommendations.

However, the Service does not anticipate additional conservation efforts for the frog in occupied areas, and many of the unoccupied areas are currently managed for the benefit of the gopher frog and its habitat. Therefore, incremental conservation efforts are expected to be most likely in unoccupied, privately-owned areas. Approximately 2,026 acres, or 31 percent of the proposed critical habitat area, is privately-owned and unoccupied. To the extent that the Service requests additional conservation measures to avoid adverse modification of critical habitat as part of consultations on future projects in unoccupied areas not managed for the gopher frog, this analysis underestimates incremental impacts.

Likelihood of consultation: For most activities identified as occurring within critical
habitat, this analysis conservatively assumes that consultation with the Service will
occur. In some cases the Service may determine that the activity would not result in
adverse modification and thus no consultation would be necessary. To the extent that
future consultations are not necessary, this analysis overestimates incremental
impacts.



CHAPTER 1 | INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

- 1. This chapter provides a brief introduction to proposed critical habitat for the gopher frog. It includes a summary of past publications and legal actions that relate to the current proposal, a summary of the proposed critical habitat designation including a map of the area, and a summary of threats to the proposed critical habitat. This information is intended to provide background information. All official definitions and boundaries should be taken from the Proposed Rule.¹³
- 2. This final economic analysis analyzes the proposed designation as described in the proposed rule, accounting for the changes to the proposed rule already noticed to the public, as described below. This analysis does not reflect changes to the proposed critical habitat designation made in the final rule. Consequently, description of the habitat designation in the final rule may differ from maps and figures presented in this analysis.¹⁴

1.2 PREVIOUS FEDERAL ACTIONS

- 3. The gopher frog was listed as endangered on December 4, 2001. On November 27, 2007, the Center for Biological Diversity and Friends of Mississippi Public Lands filed a lawsuit against the Service and the Secretary of the Interior for their failure to designate critical habitat for the frog in a timely manner. In a settlement approved by the court on June 11, 2008, the Service agreed to submit to the Federal Register a proposed rule designating critical habitat for the gopher frog by May 30, 2010 if designation was found prudent and determinable. The proposed critical habitat designation was published on June 3, 2010.
- 4. Based on information received during the comment period on the Proposed Rule, the Service revised the area proposed as gopher frog critical habitat to include additional area around the breeding ponds in Mississippi and the addition of a unit in Louisiana.¹⁸ These areas were further revised, the comment period was reopened, and a public hearing was announced on January 17, 2012. This revision decreased the area proposed as critical



¹³ 75 FR 31387.

¹⁴ For a detailed discussion of public comments on the draft economic analysis and associated responses, refer to the responses to public comment section of the final rule.

¹⁵ 66 FR 62993.

¹⁶ Friends of Mississippi Public Lands and Center for Biological Diversity v. Kempthorne (07-CV-02073).

¹⁷ 75 FR 31387.

¹⁸ 75 FR 77817.

habitat to reflect a decreased maximum distance of gopher frog movement between breeding pods and upland habitat.¹⁹ Since this publication, the Service has decreased the proposed critical habitat in Unit 10 by 54 acres to remove a portion of an agricultural field.²⁰

1.3 PROPOSED REVISED CRITICAL HABITAT DESIGNATION

5. The Service is proposing to designate a total of 6,477 acres across 12 units, three of which--Units 2, 4, and 5 are divided into two subunits--as gopher frog critical habitat. The proposed designation covers area in one Louisiana parish and four Mississippi counties: St. Tammany, LA (1,544 acres); Harrison, MS (1,655 acres); Jackson, MS (1,717 acres); Forrest, MS (598 acres); and Perry, MS (961 acres). Approximately 54 percent of the proposed critical habitat falls on Federally-owned land, 42 percent falls on private land, and the remaining 4 percent falls on state-owned land. Occupied areas make up approximately 18 percent (1,197 acres) of the proposed designation. Occupied habitat for the gopher frog is limited to four areas: Subunit 2a located primarily within the DeSoto National Forest; Subunit 4a located on private land; Subunit 5a located on private land; and Unit 7 is located primarily within state-owned land held in trust as a local funding source for education in Jackson County. Unoccupied areas make up approximately 82 percent (5,280 acres) of the designation. The unoccupied proposed critical habitat falls within the historical range of the gopher frog. 21 Exhibit 1-1 provides a detailed overview of occupied and unoccupied lands, along with a summary of lands by ownership. The "study area" for this Economic Analysis is defined as all lands proposed for critical habitat designation. Exhibit 1-2 provides an overview map of the study area. Appendix D provides detailed maps of the area.

²¹ Personal communication with Service biologist, Jackson Field Office, May 20, 2011.



¹⁹ 77 FR 2254.

²⁰ Personal communication with Service biologist, Jackson Field Office, March 16, 2012.

EXHIBIT 1-1 SUMMARY OF LAND MANAGEMENT AND OCCUPANCY: PROPOSED CRITICAL HABITAT FOR THE DUSKY GOPHER FROG

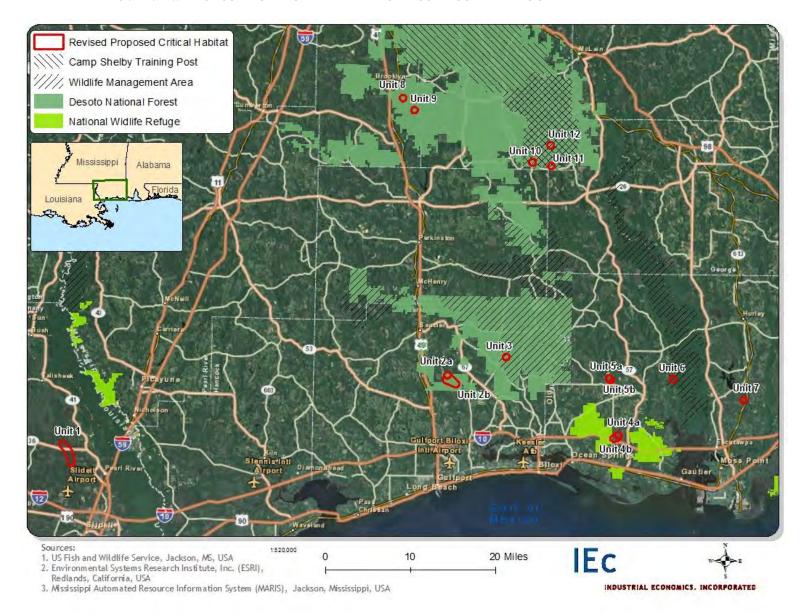
UNIT/	COUNTY/	0)	WNERSHIP (ACI					
SUBUNIT PARISH		FEDERAL	STATE	PRIVATE	TOTAL	OCCUPANCY		
	LOUISIANA							
1	St. Tammany			1,544	1,544	Unoccupied		
	MISSISSIPPI							
2a	Harrison	247		52	299	Occupied		
2b	Harrison	1,050		7	1,057	Unoccupied		
3	Harrison	299			299	Unoccupied		
4a	Jackson			299	299	Occupied		
4b	Jackson	119		269	388	Unoccupied		
5a	Jackson			299	299	Occupied		
5b	Jackson			133	133	Unoccupied		
6	Jackson	299			299	Unoccupied		
7	Jackson		264	35	299	Occupied		
8	Forrest	299			299	Unoccupied		
9	Forrest	297		2.5	299	Unoccupied		
10	Perry	314		49	363	Unoccupied		
11	Perry	299		5	299	Unoccupied		
12	Perry	284		15	299	Unoccupied		
	TOTAL	3,501	264	2,711	6,477			

Source: Personal communication with Service biologist, Jackson Field Office, May 20, 2011.

Note: Totals may not sum due to rounding.



EXHIBIT 1-2 OVERVIEW PROPOSED CRITICAL HABITAT FOR DUSKY GOPHER FROG





1.4 ECONOMIC ACTIVITIES CONSIDERED IN THIS ANALYSIS

- 6. Review of the Proposed Rule and the consultation history identified the following economic activities as being potentially affected by conservation efforts for the gopher frog and its habitat. Each of the following economic activities is addressed in Chapters 3 and 4 of the economic analysis.
 - Active Species Management. Gopher frog management activities were established at many of the proposed critical habitat sites prior to the critical habitat designation, and thus are considered "baseline" in nature (i.e., they will occur regardless of the designation). However, the designation of critical habitat may bring about additional management activities, especially in areas currently considered by the Service to be unoccupied by the gopher frog. In addition, designation of critical habitat will necessitate section 7 consultation with the Service to address the adverse modification of critical habitat. Chapter 3 of this analysis considers the potential impact of gopher frog conservation on active species management.
 - Residential and Commercial Development. The Proposed Rule identifies land conversion due to urban development as a primary threat to the gopher frog. 22 The only area of known residential development activity within the proposed designation is the Tradition Community Development in Subunits 2a and 2b. In addition, future development in Unit 1 is likely. Chapter 4 of this analysis considers the economic impact of the proposed critical habitat on this development as well as other privately-owned land that may be developed in the future.
 - **Timber Management.** The Proposed Rule identifies several forest management practices as potential threats to the upland habitat necessary for the growth and development of the gopher frog. These activities include conversion of timber land to another use, clear-cutting, site preparation and ground disturbance, prescribed burning, and pesticide application. Chapter 4 of this analysis includes a discussion of the potential impact of the proposed critical habitat designation on timber management activities.
 - Military Activities. USFS land in Units 10, 11 and 12 is used by the Mississippi Army National Guard (MSARNG) under a special use permit as part of Camp Shelby. Chapter 4 of this analysis discusses the potential impacts of gopher frog conservation activities on future operations at Camp Shelby.

1.5 ORGANIZATION OF THE REPORT

7. The remainder of this report is organized as follows: Chapter 2 discusses the framework employed in the analysis. Chapters 3 and 4 cover the assessment of potential economic



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²² 75 FR 31389, 31393.

²³ 75 FR 31400.

- impacts, organized by economic activity. Chapter 5 briefly discusses benefits of the critical habitat designation.
- 8. In addition, the report includes four appendices: Appendix A, which considers potential impacts on small entities and the energy industry; Appendix B, which provide information on the sensitivity of the economic impact estimates to alternative discount rates; Appendix C, which provides the Service's incremental effects memorandum to IEc, and Appendix D, which provides maps of the proposed critical habitat areas.





CHAPTER 2 | FRAMEWORK FOR THE ANALYSIS

- 9. The purpose of this report is to estimate the economic impact of actions taken to protect the gopher frog and its habitat. This analysis examines the impacts of restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the proposed critical habitat area. This analysis employs "without critical habitat" and "with critical habitat" scenarios. The "without critical habitat" scenario represents the baseline for the analysis, considering protections otherwise afforded to the gopher frog; for example, under the Federal listing and other Federal, State, and local regulations. The "with critical habitat" scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts are those not expected to occur absent the designation of critical habitat for the gopher frog. The analysis forecasts both baseline and incremental impacts likely to occur after the proposed critical habitat is finalized (post-designation impacts).
- 8. This information is intended to assist the Secretary of the DOI in determining whether the benefits of excluding particular areas from the designation outweigh the benefits of including those areas in the designation.²⁴ In addition, this information allows the Service to address the requirements of Executive Orders 12866 and 13211, and the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA).²⁵
- 9. This chapter describes the framework for this analysis. First, it describes the case law that led to the selection of the framework applied in this report. It then describes in economic terms the general categories of economic effects that are the focus of regulatory impact analysis, including a discussion of both efficiency and distributional effects.

 Next, this chapter defines the analytic framework used to measure these impacts in the context of critical habitat regulation and the consideration of benefits. It concludes with a presentation of the information sources relied upon in the analysis.

²⁵ Executive Order 12866, Regulatory Planning and Review, September 30, 1993; Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, May 18, 2001; 5. U.S.C. §§601 *et seq*; and Pub Law No. 104-121.



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²⁴ 16 U.S.C. §1533(b)(2).

2.1 BACKGROUND

- 10. OMB's guidelines for conducting economic analysis of regulations direct Federal agencies to measure the costs of a regulatory action against a baseline, which it defines as the "best assessment of the way the world would look absent the proposed action." In other words, the baseline includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat. Impacts that are incremental to that baseline (i.e., occurring over and above existing constraints) are attributable to the proposed regulation. Significant debate has occurred regarding whether assessing the impacts of the Service's proposed regulations using this baseline approach is appropriate in the context of critical habitat designations.
- 11. In 2001, the U.S. Tenth Circuit Court of Appeals instructed the Service to conduct a full analysis of all of the economic impacts of proposed critical habitat, regardless of whether those impacts are attributable co-extensively to other causes.²⁷ Specifically, the court stated,

The statutory language is plain in requiring some kind of consideration of economic impact in the CHD [critical habitat designation] phase. Although 50 C.F.R. 402.02 is not at issue here, the regulation's definition of the jeopardy standard as fully encompassing the adverse modification standard renders any purported economic analysis done utilizing the baseline approach virtually meaningless. We are compelled by the canons of statutory interpretation to give some effect to the congressional directive that economic impacts be considered at the time of critical habitat designation.... Because economic analysis done using the FWS's [Fish and Wildlife Service's] baseline model is rendered essentially without meaning by 50 C.F.R. § 402.02, we conclude Congress intended that the FWS conduct a full analysis of all of the economic impacts of a critical habitat designation, regardless of whether those impacts are attributable co-extensively to other causes. Thus, we hold the baseline approach to economic analysis is not in accord with the language or intent of the ESA [Endangered Species Act].²⁸

12. Since that decision, however, courts in other cases have held that an incremental analysis of impacts stemming solely from the critical habitat rulemaking is proper. For example, in the March 2006 ruling that the August 2004 critical habitat rule for the Peirson's milk-vetch was arbitrary and capricious, the United States District Court for the Northern District of California stated,

²⁹ Cape Hatteras Access Preservation Alliance v. Department of Interior, 344 F. Supp. 2d 108 (D.D.C.); Center for Biological Diversity v. United States Bureau of Land Management, 422 F. Supp. 2d 1115 (N.D. Cal. 2006).



²⁶ U.S. Office of Management and Budget, "Circular A-4," September 17, 2003, available at http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a004/a-4.pdf.

²⁷ New Mexico Cattle Growers Assn v. United States Fish and Wildlife Service, 248 F.3d 1277 (10th Cir. 2001).

²⁸ Ibid.

The Court is not persuaded by the reasoning of *New Mexico Cattle Growers*, and instead agrees with the reasoning and holding of *Cape Hatteras Access Preservation Alliance v. U.S. Dep't of the Interior*, 344 F. Supp 2d 108 (D.D.C. 2004). That case also involved a challenge to the Service's baseline approach and the court held that the baseline approach was both consistent with the language and purpose of the ESA and that it was a reasonable method for assessing the actual costs of a particular critical habitat designation *Id* at 130. 'To find the true cost of a designation, the world with the designation must be compared to the world without it.'³⁰

- 13. In order to address the divergent opinions of the courts and provide the most complete information to decision-makers, this economic analysis reports both:
 - a. The baseline impacts of gopher frog conservation from protections afforded the species absent critical habitat designation; and
 - b. The estimated incremental impacts precipitated specifically by the designation of critical habitat for the species.
- 14. Incremental effects of critical habitat designation are determined using the Service's December 9, 2004 interim guidance on "Application of the 'Destruction or Adverse Modification' Standard Under Section 7(a)(2) of the Endangered Species Act" and information from the Service regarding what potential consultations and project modifications may be imposed as a result of critical habitat designation over and above those associated with the listing.³¹ Specifically, in Gifford Pinchot Task Force v. United States Fish and Wildlife Service, the Ninth Circuit invalidated the Service's regulation defining destruction or adverse modification of critical habitat, and the Service no longer relies on this regulatory definition when analyzing whether an action is likely to destroy or adversely modify critical habitat.³² Under the statutory provisions of the Act, the Service determines destruction or adverse modification on the basis of whether, with implementation of the proposed Federal action, the affected critical habitat would remain functional to serve its intended conservation role for the species. A detailed description of the methodology used to define baseline and incremental impacts is provided later in this chapter.

³² Gifford Pinchot Task Force v. United States Fish and Wildlife Service, 378 F.3d 1059 (9th Cir. 2004).



³⁰ Center for Biological Diversity v. United States Bureau of Land Management, 422 F. Supp. 2d 1115 (N.D. Cal. 2006).

³¹ Director, U.S. Fish and Wildlife Service, Memorandum to Regional Directors and Manager of the California-Nevada Operations Office, Subject: Application of the "Destruction or Adverse Modification" Standard under Section 7(a)(2) of the Endangered Species Act, dated December 9, 2004.

2.2 CATEGORIES OF POTENTIAL ECONOMIC EFFECTS OF SPECIES CONSERVATION

- 15. This economic analysis considers both the economic efficiency and distributional effects that may result from efforts to protect the gopher frog and its habitat (hereinafter referred to collectively as "gopher frog conservation efforts"). Economic efficiency effects generally reflect "opportunity costs" associated with the commitment of resources required to accomplish species and habitat conservation. For example, if the set of activities that may take place on a parcel of land is limited as a result of the designation or the presence of the species, and thus the market value of the land is reduced, this reduction in value represents one measure of opportunity cost or change in economic efficiency. Similarly, the costs incurred by a Federal Action agency to consult with the Service under section 7 represent opportunity costs of gopher frog conservation efforts.
- 16. This analysis also addresses the distribution of impacts associated with the designation, including an assessment of any local or regional impacts of habitat conservation and the potential effects of conservation efforts on small entities and the energy industry. This information may be used by decision-makers to assess whether the effects of species conservation efforts unduly burden a particular group or economic sector. For example, while conservation efforts may have a small impact relative to the national economy, individuals employed in a particular sector of the regional economy may experience relatively greater impacts. The differences between economic efficiency effects and distributional effects, as well as their application in this analysis, are discussed in greater detail below.

2.2.1 EFFICIENCY EFFECTS

- 17. At the guidance of OMB and in compliance with Executive Order 12866 "Regulatory Planning and Review," Federal agencies measure changes in economic efficiency in order to understand how society, as a whole, will be affected by a regulatory action. In the context of regulations that protect gopher frog habitat, these efficiency effects represent the opportunity cost of resources used or benefits foregone by society as a result of the regulations. Economists generally characterize opportunity costs in terms of changes in producer and consumer surpluses in affected markets.³³
- In some instances, compliance costs may provide a reasonable approximation for the efficiency effects associated with a regulatory action. For example, a Federal land manager may enter into a consultation with the Service to ensure that a particular activity will not adversely modify critical habitat. The effort required for the consultation is an economic opportunity cost because the landowner or manager's time and effort would have been spent in an alternative activity had the parcel not been included in the designation. When compliance activity is not expected to significantly affect markets -- that is, not result in a shift in the quantity of a good or service provided at a given price, or in the quantity of a good or service demanded given a change in price -- the

³³ For additional information on the definition of "surplus" and an explanation of consumer and producer surplus in the context of regulatory analysis, see: Gramlich, Edward M., A Guide to Benefit-Cost Analysis (2nd Ed.), Prospect Heights, Illinois: Waveland Press, Inc., 1990; and U.S. Environmental Protection Agency, Guidelines for Preparing Economic Analyses, EPA 240-R-00-003, September 2000, available at http://yosemite.epa.gov/ee/epa/eed.nsf/ webpages/Guidelines.html.



- measurement of compliance costs can provide a reasonable estimate of the change in economic efficiency.
- 19. Where habitat protection measures are expected to significantly impact a market, it may be necessary to estimate changes in producer and consumer surpluses. For example, protection measures that reduce or preclude the development of large areas of land may shift the price and quantity of housing supplied in a region. In this case, changes in economic efficiency (i.e., social welfare) can be measured by considering changes in producer and consumer surplus in the market.
- 20. This analysis begins by measuring impacts associated with efforts undertaken to protect the gopher frog and its habitat. As noted above, in some cases, compliance costs can provide a reasonable estimate of changes in economic efficiency. However, if the cost of conservation efforts is expected to significantly impact markets, the analysis will consider potential changes in consumer and/or producer surplus in affected markets. In the case of the gopher frog, conservation efforts are not anticipated to significantly affect markets; therefore, this report focuses solely on compliance costs.

2.2.2 DISTRIBUTIONAL AND REGIONAL ECONOMIC EFFECTS

21. Measurements of changes in economic efficiency focus on the net impact of conservation efforts, without consideration of how certain economic sectors or groups of people are affected. Thus, a discussion of efficiency effects alone may miss important distributional considerations. OMB encourages Federal agencies to consider distributional effects separately from efficiency effects.³⁴ This analysis considers several types of distributional effects, including impacts on small entities; impacts on energy supply, distribution, and use; and regional economic impacts. It is important to note that these are fundamentally different measures of economic impact than efficiency effects, and thus cannot be added to or compared with estimates of changes in economic efficiency.

Impacts on Small Entities and Energy Supply, Distribution, and Use

22. This analysis considers how small entities, including small businesses, organizations, and governments, as defined by the RFA, might be affected by future species conservation efforts.³⁵ In addition, in response to Executive Order 13211 "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," this analysis considers the future impacts of conservation efforts on the energy industry and its customers.³⁶



³⁴ U.S. Office of Management and Budget, "Circular A-4," September 17, 2003, available at http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a004/a-4.pdf.

^{35 5} U.S.C. §§601 et seq.

³⁶ Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, May 18, 2001.

Regional Economic Effects

- 23. Regional economic impact analysis can provide an assessment of the potential localized effects of conservation efforts. Specifically, regional economic impact analysis produces a quantitative estimate of the potential magnitude of the initial change in the regional economy resulting from a regulatory action. Regional economic impacts are commonly measured using regional input/output models. These models rely on multipliers that represent the relationship between a change in one sector of the economy (e.g., expenditures by recreators) and the effect of that change on economic output, income, or employment in other local industries (e.g., suppliers of goods and services to recreators). These economic data provide a quantitative estimate of the magnitude of shifts of jobs and revenues in the local economy.
- 24. The use of regional input/output models in an analysis of the impacts of species and habitat conservation efforts can overstate the long-term impacts of a regulatory change. Most importantly, these models provide a static view of the economy of a region. That is, they measure the initial impact of a regulatory change on an economy but do not consider long-term adjustments that the economy will make in response to this change. For example, these models provide estimates of the number of jobs lost as a result of a regulatory change, but do not consider re-employment of these individuals over time or other adaptive responses by impacted businesses. In addition, the flow of goods and services across the regional boundaries defined in the model may change as a result of the regulation, compensating for a potential decrease in economic activity within the region.
- 25. Despite these and other limitations, in certain circumstances regional economic impact analysis may provide useful information about the scale and scope of localized impacts. It is important to remember that measures of regional economic effects generally reflect shifts in resource use rather than efficiency losses. Thus, these types of distributional effects are reported separately from efficiency effects (i.e., not summed). In addition, measures of regional economic impact cannot be compared with estimates of efficiency effects, but should be considered as distinct measures of impact.
- 26. Impacts associated with gopher frog conservation activities largely include administrative costs; the quantity of housing supplied in the broader region is not anticipated to be affected. Therefore, measurable impacts of the type typically assessed with input-output models are not anticipated.

2.3 ANALYTIC FRAMEWORK AND SCOPE OF THE ANALYSIS

27. This analysis identifies those economic activities most likely to threaten the listed species and its habitat and, where possible, quantifies the economic impact to avoid or minimize such threats within the boundaries of the proposed critical habitat area, as described in Chapter 1. This section provides a description of the methodology used to separately identify baseline impacts and incremental impacts stemming from the proposed designation of critical habitat for the gopher frog. This evaluation of impacts in a "with critical habitat designation" versus a "without critical habitat designation" framework



effectively measures the net change in economic activity associated with the revised proposed rulemaking.

2.3.1 IDENTIFYING BASELINE IMPACTS

- 28. The baseline for this analysis is the existing state of regulation, prior to the designation of critical habitat, which provides protection to the species under the Act, as well as under other Federal, State and local laws and guidelines. This "without critical habitat designation" scenario also considers a wide range of additional factors beyond the compliance costs of regulations that provide protection to the listed species. As recommended by OMB, the baseline incorporates, as appropriate, trends in market conditions, implementation of other regulations and policies by the Service and other government entities, and trends in other factors that have the potential to affect economic costs and benefits, such as the rate of regional economic growth in potentially affected industries.
- 29. Baseline impacts include sections 7, 9, and 10 of the Act, and economic impacts resulting from these protections, to the extent that they are expected to occur absent the designation of critical habitat for the species.
 - Section 7 of the Act, absent critical habitat designation, requires Federal agencies to consult with the Service to ensure that any action authorized, funded, or carried out will not likely jeopardize the continued existence of any endangered or threatened species. The portion of the administrative costs of consultations under the jeopardy standard, along with the impacts of project modifications resulting from consideration of this standard, are considered baseline impacts. Baseline administrative costs of section 7 consultation are summarized later in Exhibit 2-1.
 - Section 9 defines the actions that are prohibited by the Act. In particular, it prohibits the "take" of endangered wildlife, where "take" means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."³⁷ The economic impacts associated with this section manifest themselves in sections 7 and 10.
 - Under section 10(a)(1)(B) of the Act, an entity (e.g., a landowner or local government) may develop an Habitat Conservation Plan (HCP) for a listed animal species in order to meet the conditions for issuance of an incidental take permit in connection with the development and management of a property. The requirements posed by the HCP may have economic impacts associated with the goal of ensuring that the effects of incidental take are adequately avoided or minimized. The development and implementation of HCPs is considered a baseline protection for the species and habitat unless the HCP is determined to be



³⁷ 16 U.S.C. 1532.

³⁸ U.S. Fish and Wildlife Service, "Endangered Species and Habitat Conservation Planning," August 6, 2002, accessed at http://endangered.fws.gov/hcp/.

precipitated by the designation of critical habitat, or the designation influences stipulated conservation efforts under HCPs.

Enforcement actions taken in response to violations of the Act are not included in this analysis.

30. The protection of listed species and habitat is not limited to the Act. Other Federal agencies, as well as State and local governments, may also seek to protect the natural resources under their jurisdiction. If compliance with the Clean Water Act (CWA) or State environmental quality laws, for example, protects habitat for the species, such protective efforts are considered to be baseline protections and costs associated with these efforts are categorized accordingly. Of note, however, is that such efforts may not be considered baseline in the case that they would not have been triggered absent the designation of critical habitat. In these cases, they are considered incremental impacts and are discussed below.

2.3.2 IDENTIFYING INCREMENTAL IMPACTS

- 31. This analysis identifies and, where possible, separately quantifies the incremental impacts of this rulemaking. The focus of the incremental analysis is to determine the impacts on land uses and activities from the designation of critical habitat that are above and beyond those impacts due to required or voluntary conservation efforts undertaken due to other Federal, State, and local regulations or guidelines.
- 32. When critical habitat is designated, section 7 requires Federal agencies to ensure that their actions will not result in the destruction or adverse modification of critical habitat (in addition to considering whether the actions are likely to jeopardize the continued existence of the species). The added administrative costs of including consideration of critical habitat in section 7 consultations, and the additional impacts of implementing project modifications resulting from the protection of critical habitat are the direct compliance costs of designating critical habitat. These costs are not in the baseline and are considered incremental impacts of the rulemaking.
- 33. Incremental impacts may be the direct compliance costs associated with additional effort for consultations, reinitiated consultation, new consultations occurring specifically because of the designation, and additional project modifications that would not have been required under the jeopardy standard. Additionally, incremental impacts may include indirect impacts resulting from reaction to the potential designation of critical habitat (e.g., implementing gopher frog management direction in an effort to avoid designation of critical habitat), triggering of additional requirements under State or local laws intended to protect sensitive habitat, and uncertainty and perceptional effects on markets.

Direct Impacts

34. The direct incremental impacts of critical habitat designation stem from the consideration of the potential for destruction or adverse modification of critical habitat during section 7 consultations. The two categories of direct incremental impacts of critical habitat designation are: 1) the administrative costs of conducting section 7 consultation; and 2) implementation of any project modifications requested by the Service through section 7



- consultation solely to avoid potential destruction or adverse modification of critical habitat or to minimize impacts to critical habitat.
- 35. Section 7(a)(2) of the Act requires Federal agencies (Action agencies) to consult with the Service whenever activities that they undertake, authorize, permit, or fund may affect a listed species or designated critical habitat. In some cases, consultations will involve the Service and another Federal agency only, such as the U.S. Army Corps of Engineers (Corps). Often, they will also include a third party involved in projects that involve a permitted entity, such as the recipient of a CWA section 404 permit.
- 36. During a consultation, the Service, the Action agency, and the entity applying for Federal funding or permitting (if applicable) communicate in an effort to minimize potential adverse effects to the species and/or to the proposed critical habitat. Communication between these parties may occur via written letters, phone calls, in-person meetings, or any combination of these. The duration and complexity of these interactions depends on a number of variables, including the type of consultation, the species, the activity of concern, and the potential effects to the species and designated critical habitat associated with the proposed activity, the Federal agency, and whether there is a private applicant involved.
- 37. Section 7 consultations with the Service may be either informal or formal. *Informal consultations* consist of discussions between the Service, the Action agency, and the applicant concerning an action that may affect a listed species or its designated critical habitat, and are designed to identify and resolve potential concerns at an early stage in the planning process. By contrast, a *formal consultation* is required if the Action agency determines that its proposed action may or will adversely affect the listed species or designated critical habitat in ways that cannot be resolved through informal consultation. The formal consultation process results in the Service's determination in its Biological Opinion of whether the action is likely to jeopardize a species or adversely modify critical habitat, and recommendations to minimize those impacts. Regardless of the type of consultation or proposed project, section 7 consultations can require substantial administrative effort on the part of all participants.

Administrative Section 7 Consultation Costs

- 38. Parties involved in section 7 consultations include the Service, the Action agency, and in some cases, a private entity involved in the project or land use activity. The Action agency (i.e., the Federal nexus necessitating the consultation) serves as the liaison with the Service. While consultations are required for activities that involve a Federal nexus and may affect a species regardless of whether critical habitat is designated, the designation may increase the effort for consultations in the case that the project or activity in question may adversely modify critical habitat. Administrative efforts for consultation may therefore result in both baseline and incremental impacts.
- 39. In general, three different scenarios associated with the designation of critical habitat may trigger incremental administrative consultation costs:



- 1. Additional effort to address adverse modification in a new consultation New consultations taking place after critical habitat designation may require additional effort to address critical habitat issues above and beyond the listing issues. In this case, only the additional administrative effort required to consider critical habitat is considered an incremental impact of the designation.
- 2. **Re-initiation of consultation to address adverse modification -** Consultations that have already been completed on a project or activity may require re-initiation to address critical habitat. In this case, the costs of re-initiating the consultation, including all associated administrative and project modification costs are considered incremental impacts of the designation.
- 3. Incremental consultation resulting entirely from critical habitat designation Critical habitat designation may trigger additional consultations that may not occur absent the designation (e.g., for an activity for which adverse modification may be an issue, while jeopardy is not, or consultations resulting from the new information about the potential presence of the species provided by the designation). Such consultations may, for example, be triggered in critical habitat areas that are not occupied by the species. All associated administrative and project modification costs of incremental consultations are considered incremental impacts of the designation.
- 40. The administrative costs of these consultations vary depending on the specifics of the project. One way to address this variability is to show a range of possible costs of consultation, as it may not be possible to predict the precise outcome of each future consultation in terms of level of effort. Review of consultation records and discussions with Service field offices resulted in a range of estimated administrative costs of consultation. This analysis uses the average of the range of costs in each category as the starting point in determining the administrative costs of consultation. Additional information specific to the gopher frog was provided by the Service indicating that the additional effort to address adverse modification in a new consultation would result in a 10 percent increase in administrative costs.³⁹
- 41. Exhibit 2-1 provides estimated administrative consultation costs representing effort required for all types of consultation, including those that considered both adverse modification and jeopardy. To estimate the fractions of the total administrative consultation costs that are baseline and incremental, the following assumptions are applied.
 - The greatest effort will be associated with consultations that consider both jeopardy and adverse modification. Depending on whether the consultation is precipitated by the listing or the critical habitat designation, part or all of the costs, respectively, will be attributed to the proposed rule.



³⁹ FWS to Industrial Economics, Inc., August 16, 2010, "Incremental Effects Memorandum for the Economic Analysis of Proposed Rule to Designate Critical Habitat for the Mississippi Gopher Frog." (see Appendix C)

- Efficiencies exist when considering both jeopardy and adverse modification at the same time (e.g., in staff time saved for project review and report writing), and therefore incremental administrative costs of considering adverse modification in consultations precipitated by the listing result in the least incremental effort, roughly 10 percent of the cost of the entire consultation. The remaining 90 percent of the costs are attributed to consideration of the jeopardy standard in the baseline scenario. This latter amount also represents the cost of a consultation that only considers adverse modification (e.g., an incremental consultation for activities in unoccupied critical habitat) and is attributed wholly to critical habitat.
- Incremental costs of the re-initiation of a previously completed consultation because of the critical habitat designation are assumed to be approximately half the cost of a consultation considering both jeopardy and adverse modification. This assumes that re-initiations are less time-consuming as the groundwork for the project has already been considered in terms of its effect on the species. However, because the previously completed effort must be re-opened, they are more costly than simply adding consideration of critical habitat to a consultation already underway.





EXHIBIT 2-1 RANGE OF ADMINISTRATIVE CONSULTATIONS COSTS (2011 DOLLARS)

BASELINE ADMINISTRATIVE COSTS OF CONSULTATION								
CONSULTATION TYPE	SERVICE	FEDERAL AGENCY	THIRD PARTY	BIOLOGICAL ASSESSMENT	TOTAL COSTS			
CONSULTATION CONSIDERIN	CONSULTATION CONSIDERING JEOPARDY (DOES NOT INCLUDE CONSIDERATION OF ADVERSE MODIFICATION)							
Technical Assistance	\$428	n/a	\$788	n/a	\$1,220			
Informal	\$1,840	\$2,330	\$1,540	\$1,500	\$7,200			
Formal	\$4,130	\$4,650	\$2,630	\$3,600	\$15,000			
Programmatic	\$12,500	\$10,400	n/a	\$4,200	\$27,100			
INCREMENTAL ADMINISTRATIVE COSTS OF CONSULTATION								
CONSULTATION TYPE	SERVICE	FEDERAL AGENCY	THIRD PARTY	BIOLOGICAL ASSESSMENT	TOTAL COSTS			
NEW CONSULTATION RESULTING ENTIRELY FROM CRITICAL HABITAT DESIGNATION (TOTAL COST OF A CONSULTATION CONSIDERING BOTH JEOPARDY AND ADVERSE MODIFICATION)								
Technical Assistance	\$470	n/a	\$866	n/a	\$1,340			
Informal	\$2,020	\$2,560	\$1,690	\$1,650	\$7,920			
Formal	\$4,540	\$5,120	\$2,890	\$3,960	\$16,500			
Programmatic	\$13,700	\$11,400	n/a	\$4,620	\$29,800			
NEW CONSULTATION CONSID	DERING ONLY ADVERS	SE MODIFICATION (U	NOCCUPIED HABITAT	¯)				
Technical Assistance	\$428	n/a	\$788	n/a	\$1,220			
Informal	\$1,840	\$2,330	\$1,540	\$1,500	\$7,200			
Formal	\$4,130	\$4,650	\$2,630	\$3,600	\$15,000			
Programmatic	\$12,500	\$10,400	n/a	\$4,200	\$27,100			
RE-INITIATION OF CONSULTA	ATION TO ADDRESS A	DVERSE MODIFICATI	ON					
Technical Assistance	\$235	n/a	\$433	n/a	\$668			
Informal	\$1,010	\$1,280	\$846	\$825	\$3,960			
Formal	\$2,270	\$2,560	\$1,440	\$1,980	\$8,250			
Programmatic	\$6,870	\$5,710	n/a	\$2,310	\$14,900			
ADDITIONAL EFFORT TO ADDRESS ADVERSE MODIFICATION IN A NEW CONSULTATION (ADDITIVE WITH BASELINE COSTS ABOVE OF CONSIDERING JEOPARDY)								
Technical Assistance	\$43	n/a	\$79	n/a	\$122			
Informal	\$184	\$233	\$154	\$150	\$720			
Formal	\$413	\$465	\$263	\$360	\$1,500			
Programmatic	\$1,250	\$1,040	n/a	\$420	\$2,710			

Programmatic \$1,250 \$1,040 n/a \$420 \$2,710

Source: IEc analysis of full administrative costs is based on data from the Federal Government Schedule Rates, Office of Personnel Management, 2009, and a review of consultation records from several Service field offices across the country conducted in 2002.; FWS to Industrial Economics, Inc., August 16, 2010, "Incremental Effects Memorandum for the Economic Analysis of Proposed Rule to Designate Critical Habitat for the Mississippi Gopher Frog."

Notes:

- 1. Estimates are rounded to three significant digits and may not sum due to rounding.
- 2. Estimates reflect average hourly time required by staff.



Section 7 Project Modification Impacts

- 42. Section 7 consultation considering critical habitat may also result in additional project modification recommendations specifically addressing potential destruction or adverse modification of critical habitat. For forecast consultations considering jeopardy and adverse modification, and for re-initiations of past consultations to consider critical habitat, the economic impacts of project modifications undertaken solely to avoid adverse modification or to minimize impacts to critical habitat are considered incremental impacts of critical habitat designation. For consultations that are forecast to occur specifically because of the designation (incremental consultations), impacts of all associated project modifications are assumed to be incremental impacts of the designation. This is summarized below.
 - 1. Additional effort to address adverse modification in a new consultation Only project modifications above and beyond what would be requested to avoid or minimize jeopardy are considered incremental.
 - Re-initiation of consultation to address adverse modification Only project
 modifications above and beyond what was requested to avoid or minimize
 jeopardy are considered incremental.
 - 3. **Incremental consultation resulting entirely from critical habitat designation** Impacts of all project modifications are considered incremental.

Specific Steps Applied to Identify and Quantify Incremental Impacts

43. Exhibit 2-2 depicts the methodology used to identify and separate baseline and incremental impacts for the gopher frog. As is discussed above, in areas where conservation measures exist for the gopher frog, the costs associated with implementing these measures are considered baseline. Projects without a Federal nexus will not be affected and therefore are not included in the Economic Analysis. For projects located in areas without existing conservation measures in place that have a Federal nexus, baseline and incremental impacts will be defined differently for occupied and unoccupied habitat. The following sections describe this flowchart in detail.

Occupied Habitat

44. If the project area is currently occupied by the gopher frog, the Service expects that the additional effort to address adverse modification will result in a 10 percent increase in the administrative cost of consultation. These additional costs are the only anticipated incremental impacts of the designation in occupied areas. The Service believes that "alterations of habitat that diminish the value of habitat and amount of habitat available for the species would be likely to affect population size, reproduction, and recruitment of the Mississippi gopher frog, as well as further confine its limited range, and would therefore, appreciably reduce its likelihood of survival in the wild and constitute jeopardy." Thus, the Service has defined no difference in project modifications for

⁴² Ibid.



⁴¹ Ibid.

- jeopardy versus adverse modification for the gopher frog in occupied areas. According to the Service, "in occupied critical habitat it is unlikely that an analysis would identify a difference between measures needed to avoid the destruction or adverse modification of critical habitat from measures needed to avoid jeopardizing the species."
- 45. Critical habitat is not expected to provide new information to landowners about the presence of the frog in occupied areas. The occupied area in Subunit 2a is primarily owned and managed by the USFS as part of a gopher frog management area surrounding Glen's Pond. Similarly, the occupied habitat in Subunits 4a and 5a are primarily owned and managed by TNC for the recovery of the frog. While the occupied habitat in Unit 7 is not specifically managed for the frog, the proposed critical habitat is located around a known gopher frog breeding pond.

Unoccupied Habitat

46. If the project area is currently unoccupied by the gopher frog, the Service believes that costs associated with project modifications implemented to avoid adversely modifying critical habitat would be attributable to the critical habitat designation alone. Thus, in unoccupied areas, costs associated with section 7 consultation and project modifications are considered incremental impacts.





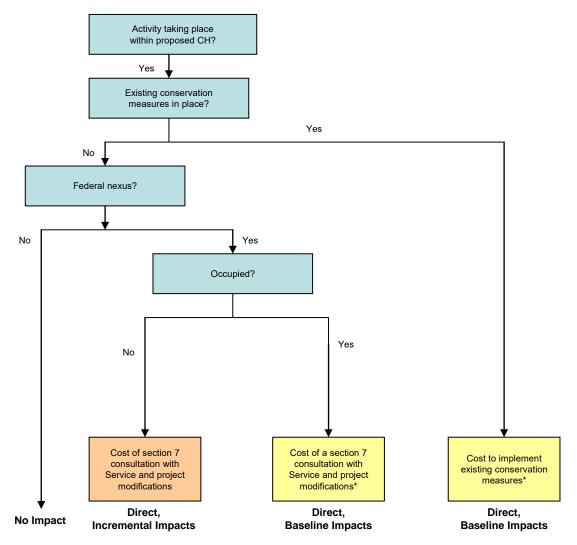


EXHIBIT 2-2 STEPS USED TO IDENTIFY AND SEPARATE BASELINE AND INCREMENTAL IMPACTS

Source: FWS to Industrial Economics, Inc., August 16, 2010, "Incremental Effects Memorandum for the Economic Analysis of Proposed Rule to Designate Critical Habitat for the Mississippi Gopher Frog." See Appendix B.



^{*}Minor incremental costs will be incurred as a result of considering adverse modifica ion in consultation with he Service.

Indirect Impacts

47. The designation of critical habitat may, under certain circumstances, affect actions that do not have a Federal nexus and thus are not subject to the provisions of section 7 under the Act. Indirect impacts are those unintended changes in economic behavior that may occur outside of the Act, through other Federal, State, or local actions, and that are caused by the designation of critical habitat. This section identifies common types of indirect impacts that may be associated with the designation of critical habitat. Importantly, these types of impacts are not always considered incremental. In the case that these types of conservation efforts and economic effects are expected to occur regardless of critical habitat designation, they are appropriately considered baseline impacts in this analysis.

Habitat Conservation Plans

- 48. Under section 10 of the Act, landowners seeking an incidental take permit must develop an HCP to counterbalance the potential harmful effects that an otherwise lawful activity may have on a species. As such, the purpose of the habitat conservation planning process is to ensure that the effects of incidental take are adequately avoided or minimized. Thus, HCPs are developed to ensure compliance with section 9 of the Act and to meet the requirements of section 10 of the Act. There are currently no HCPs that include the gopher frog as a covered species.
- 49. Application for an incidental take permit and completion of an HCP are not required or necessarily recommended by a critical habitat designation. However, in certain situations the new information provided by the proposed critical habitat rule may prompt a landowner to apply for an incidental take permit. For example, a landowner may have been previously unaware of the potential presence of the species on his or her property, and expeditious completion of an HCP may offer the landowner regulatory relief in the form of exclusion from the final critical habitat designation. In this case, the effort involved in creating the HCP and undertaking associated conservation efforts are considered an incremental effect of designation. No specific plans to prepare new HCPs in response to this proposed designation were identified for the gopher frog.

Other State and Local Laws

50. Under certain circumstances, critical habitat designation may provide new information to a community about the sensitive ecological nature of a geographic region, potentially triggering additional economic impacts under other State or local laws. In cases where these impacts would not have been triggered absent critical habitat designation, they are considered indirect, incremental impacts of the designation. No other state or local laws will be triggered by designation of critical habitat for the gopher frog.

Additional Indirect Impacts

- 51. In addition to the indirect effects of compliance with other laws or triggered by the designation, project proponents, land managers and landowners may face additional indirect impacts, including the following:
 - **Time Delays** Both public and private entities may experience incremental time delays for projects and other activities due to requirements associated with the



- need to reinitiate the section 7 consultation process and/or compliance with other laws triggered by the designation. To the extent that delays result from the designation, they are considered indirect, incremental impacts of the designation.
- Regulatory Uncertainty The Service conducts each section 7 consultation on a case-by-case basis and issues a biological opinion on formal consultations based on species-specific and site-specific information. As a result, government agencies and affiliated private parties who consult with the Service under section 7 may face uncertainty concerning whether project modifications will be recommended by the Service and what the nature of these modifications will be. This uncertainty may diminish as consultations are completed and additional information becomes available on the effects of critical habitat on specific activities. Where information suggests that this type of regulatory uncertainty stemming from the designation may affect a project or economic behavior, associated impacts are considered indirect, incremental impacts of the designation.
- Stigma In some cases, the public may perceive that critical habitat designation may result in limitations on private property uses above and beyond those associated with anticipated project modifications and regulatory uncertainty described above. Public attitudes about the limits or restrictions that critical habitat may impose can cause real economic effects to property owners, regardless of whether such limits are actually imposed. All else equal, a property that is designated as critical habitat may have a lower market value than an identical property that is not within the boundaries of critical habitat due to perceived limitations or restrictions. As the public becomes aware of the true regulatory burden imposed by critical habitat, the impact of the designation on property markets may decrease. To the extent that potential stigma effects on markets are probable and identifiable, these impacts are considered indirect, incremental impacts of the designation.



2.3.3 BENEFITS

- 52. Under Executive Order 12866, OMB directs Federal agencies to provide an assessment of both the social costs and benefits of proposed regulatory actions. 44 OMB's Circular A-4 distinguishes two types of economic benefits: *direct benefits and ancillary benefits*. Ancillary benefits are defined as favorable impacts of a rulemaking that are typically unrelated, or secondary, to the statutory purpose of the rulemaking. 45
- 53. In the context of critical habitat, the primary purpose of the rulemaking (i.e., the direct benefit) is the potential to enhance conservation of the species. The published economics literature has documented that social welfare benefits can result from the conservation and recovery of endangered and threatened species. In its guidance for implementing Executive Order 12866, OMB acknowledges that it may not be feasible to monetize, or even quantify, the benefits of environmental regulations due to either an absence of defensible, relevant studies or a lack of resources on the implementing agency's part to conduct new research. Acknowledges that the direct benefits of the proposed rule are best expressed in biological terms that can be weighed against the expected cost impacts of the rulemaking.
- 54. Critical habitat designation may also generate ancillary benefits. Critical habitat aids in the conservation of species specifically by protecting the Primary Constituent Elements (PCEs) on which the species depends. To this end, critical habitat designation can result in maintenance of particular environmental conditions that may generate other social benefits aside from the preservation of the species. That is, management actions undertaken to conserve a species or habitat may have coincident, positive social welfare implications, such as increased recreational opportunities in a region. While they are not the primary purpose of critical habitat, these ancillary benefits may result in gains in employment, output, or income that may offset the direct, negative impacts to a region's economy resulting from actions to conserve a species or its habitat. The potential ancillary benefits of critical habitat designation are described qualitatively in a separate chapter at the end of this report.

2.3.4 GEOGRAPHIC SCOPE OF THE ANALYSIS

55. Economic impacts of gopher frog conservation are considered across the entire area proposed for critical habitat designation, as defined in Chapter 1. Results will be presented at the unit level.

2.3.5 ANALYTIC TIME FRAME

56. Ideally, the time frame of this analysis would be based on the expected time period over which the critical habitat regulation is expected to be in place. Specifically, the analysis would forecast impacts of implementing this rule through species recovery (i.e., when the



⁴⁴ Executive Order 12866, Regulatory Planning and Review, September 30, 1993.

⁴⁵ U.S. Office of Management and Budget, "Circular A-4," September 17, 2003, available at http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a004/a-4.pdf.

⁴⁶ Ibid.

rule is no longer required). However, absent specific information on the expected time frame for recovery of the gopher frog, this analysis forecasts impacts over a "reasonably foreseeable" time frame. Based on available data, this analysis considers economic impacts to activities from 2012 (expected year of final critical habitat designation) though 2031.

2.4 INFORMATION SOURCES

57. The primary sources of information for this report are communications with, and data provided by, personnel from the Service, local governments and other stakeholders. Some of this information and data is provided in public comment letters submitted in response to the Proposed Rule.⁴⁷ In addition, the analysis draws on the section 7 consultation history, historical conservation efforts for the species, published information, and GIS data. A complete list of references is provided at the end of this document.

⁴⁷ 75 FR 31387.





CHAPTER 3 | POTENTIAL ECONOMIC IMPACTS TO ACTIVE SPECIES MANAGEMENT

- 58. This chapter discusses the economic impacts to active species management resulting from the proposed critical habitat designation for the gopher frog. Unlike the other activities described in this analysis, the activities described in this chapter do not pose a threat to the gopher frog or its habitat. Rather, the activities described in this chapter are implemented specifically to benefit the gopher frog and its habitat. Nevertheless, active species management activities carried out in the baseline have the potential to be impacted by the proposed critical habitat designation. Total present value projected incremental impacts to these activities is limited: \$64,500 total anticipated over the next 20 years (\$6,090 annualized impact). 48
- 59. Many of the proposed critical habitat units include areas that are currently being managed to benefit the gopher frog. These areas include areas within DeSoto National Forest, land managed by The Nature Conservancy (TNC), and Ward Bayou WMA. Details on the impacts to management activities on these lands are provided in Section 3.1 through 3.3, results summarized at the unit level are presented in Section 3.4

3.1 IMPACTS TO LAND MANAGED WITHIN THE DESOTO NATIONAL FOREST

- 60. Portions of Units 2a, 2b, 3, 8, 9, 10, 11, and 12 fall within DeSoto National Forest and are actively managed by the USFS to benefit the recovery of the gopher frog. 49 All but 223 acres of the Federally-owned land in Subunits 2a and 2b are part of a gopher frog management area that surrounds Glen's Pond and extends east. 50 USFS has consulted with the Service on management activities in this area. 51
- 61. The USFS has also been working informally with the Service to manage for the gopher frog in Units 3, 8, 9, 10, 11, and 12. If critical habitat is designated, it is likely that the USFS will enter into a programmatic consultation with the Service for their land management activities in these areas. This programmatic consultation is expected to



⁴⁸ Using a seven percent discount rate.

⁴⁹ Units 10, 11, and 12 are owned and managed by the U.S. Forest Service, but the Mississippi Army National Guard is authorized to conduct training in or near these units under a special use permit.

⁵⁰ Personal Communication with Fish and Wildlife Service Biologist, August 18, 2010.

⁵¹ U.S. Forest Service and U.S. Fish and Wildlife Service, "Biological Evaluation Amendment for Ecosystem Restoration for Gopher Tortoise and Red Cockaded Woodpecker Habitat, Effects to Mississippi Gopher Frog from Forest Management Activities between 1.2 - 2.0 km from Glen's Pond."

- occur in 2012 (the year critical habitat will be finalized) and is expected to result entirely of the designation.
- 62. Land managed by the USFS in Units 3, 8, 9, 10, 11, and 12 is not currently occupied by the gopher frog and although it has been informally managed for the benefit of the species in the past, no consultation has occurred and no management plan is in place. The Service states that, in unoccupied areas, costs associated with project modifications implemented to avoid adversely modifying critical habitat would be attributable to the critical habitat designation alone. Therefore, this anticipated programmatic consultation is considered to be incremental.⁵² Administrative costs associated with this programmatic consultation are distributed equally across the three units for which the consultation will occur. Because the USFS has worked closely with the Service to develop their current management practices on these lands, no additional project modifications leading to increased costs by USFS are expected to result from the consultation.

3.2 IMPACTS TO LAND MANAGED BY TNC

- 63. Subunit 4a and the majority of Subunit 4b are owned by the TNC and operated as a wetland mitigation bank. The proposed critical habitat in Subunit 4a is considered occupied and the proposed critical habitat in Subunit 4b is considered unoccupied. In order to continue operating as a wetland mitigation bank, TNC must perform certain habitat restoration tasks annually such as prescribed burns and herbicide treatments. Sa In areas occupied by the gopher frog, TNC takes precautions with heavy equipment; for example, herbicide treatments are applied by hand instead of on the back of all-terrain vehicles. Because this mitigation bank has already been established, TNC does not anticipate a future need for a section 404 permit. Therefore, no consultation with the Service and no incremental impacts are expected.
- 64. Subunit 5a and a portion of Subunit 5b are owned by TNC and funds for management of the site have been provided as part of the Natural Resources Conservation Service's (NRCS's) Mississippi Healthy Forest Reserve Program (HFRP). The purpose of the HFRP is to assist landowners, on a voluntary basis, in restoring, enhancing and protecting forestland resources on private lands. One of HRFP's objectives is to promote the recovery of endangered and threatened species. NRCS has consulted with the Service on the Mississippi HRFP, although gopher frog critical habitat was not considered at the



⁵² FWS to Industrial Economics, Inc., August 16, 2010, "Incremental Effects Memorandum for the Economic Analysis of Proposed Rule to Designate Critical Habitat for the Mississippi Gopher Frog." (see Appendix C)

⁵³ Personal Communication with Nelwyn McInnis, The Nature Conservancy, September 30, 2010.

⁵⁴ Ibid.

⁵⁵ Personal Communication with Fish and Wildlife Service Biologist, August 25, 2010.

⁵⁶ U.S. Department of Agriculture, National Resources Conservation Service, "Healthy Forest Reserve Program," accessed http://www.nrcs.usda.gov/programs/hfrp/proginfo/index.html on August 25, 2010.

time.⁵⁷ If critical habitat is designated, NRCS expects to reinitiate consultation to consider the potential for adverse modification of critical habitat.⁵⁸ NRCS states that their management actions are intended to protect the habitat in which gopher frogs thrive, thus the designation of critical habitat is not likely to change their activities.⁵⁹ Because the reinitiation of the programmatic consultation for HFRP is triggered by the designation of critical habitat for gopher frog, it is considered to be an incremental impact of the proposed critical habitat designation. For purposes of this analysis, the consultation is assumed to occur in 2012 (the year critical habitat is expected to be finalized) and the cost is distributed equally across the two subunits.

3.3 IMPACTS TO LAND MANAGED WITHIN THE WARD BAYOU WMA

Unit 6 is owned by the Corps and leased to the State of Mississippi as part of the Ward 65. Bayou WMA. This unit is considered unoccupied by the gopher frog. The WMA is managed by the Mississippi Department of Wildlife, Fisheries, and Parks. Ward Bayou WMA's duel management goals are to provide sustainable, quality, wildlife-oriented recreational opportunities for the public and to conserve the natural ecosystems through sound management to provide habitat for native wildlife. 60 Their habitat management activities focus on conserving the bottomland hardwood forests and the upland longleaf pine forests through timber harvesting, prescribed burning, and invasive species control.⁶¹ These habitat management activities are expected to generally benefit the gopher frog and its habitat. This analysis conservatively includes the administrative cost associated with a future programmatic consultation with the Corps for the management activities at Ward Bayou WMA. This cost is included as an incremental impact because the area is not occupied by the gopher frog. At this time, project modifications that may be requested during consultation are unknown; therefore, the analysis includes only the administrative cost of consultation. This cost is assumed to occur in 2012, the year that critical habitat for the gopher frog will be finalized.

3.4 RESULTS

66. Exhibit 3-1 presents the incremental impacts to active species management activities by unit and subunit. As discussed above, incremental impacts are limited to administrative costs of three programmatic consultations, which are distributed across six units and subunits.



⁵⁷ U.S. Fish and Wildlife Service and Natural Resources Conservation Service, May 2007, "Programmatic Biological Assessment and Programmatic Biological Opinion for the Natural Resources Conservation Service's Mississippi Healthy Forest Reserve Program."

⁵⁸ Personal Communication with Glenda Clardy, Natural Resource Conservation Service, September 27, 2010.

⁵⁹ Ibid.

⁶⁰ Mississippi Department of Wildlife, Fisheries, and Parks, Ward Bayou WMA Management Plan, June 2010, accessed by < http://home.mdwfp.com/pdfgallery.aspx?albumid=9>.

⁶¹ Ibid.

EXHIBIT 3-1 ESTIMATED INCREMENTAL IMPACTS TO ACTIVE SPECIES MANAGEMENT ACTIVITIES (2012 - 2031, 2011 DOLLARS, SEVEN PERCENT DISCOUNT RATE)

UNIT/SUBUNIT	PRESENT VALUE IMPACTS	ANNUALIZED IMPACTS
1	\$0	\$0
2a	\$0	\$0
2b	\$0	\$0
3	\$8,430	\$796
4a	\$0	\$0
4b	\$0	\$0
5a	\$6,960	\$657
5b	\$6,960	\$657
6	\$25,300	\$2,390
7	\$0	\$0
8	\$8,430	\$796
9	\$8,430	\$796
10	\$0	\$0
11	\$0	\$0
12	\$0	\$0
Total	\$64,500	\$6,090

Notes:

Values are rounded to three significant figures. Totals may not sum due to rounding.





CHAPTER 4 | POTENTIAL ECONOMIC IMPACTS TO DEVELOPMENT, FORESTRY, AND MILITARY ACTIVITIES

- 67. This chapter discusses the potential incremental economic impacts of the proposed critical habitat designation for the gopher frog to development, forestry, and military activities. Total present value projected incremental impacts to these activities over the next 20 years is anticipated to range from \$37,300 to \$34.0 million (\$3,520 to \$3.21 million annualized), depending upon the scenario applied to estimate impacts to development activities in Unit 1.⁶² Details on the projected incremental impacts to each of these three sectors are provided in Section 4.1 through 4.3. Results at the unit level are presented in Section 4.4.
- 68. Due to uncertainty regarding the ultimate scope and scale of potential future development in Unit 1, along with uncertainty regarding the conservation measures the Service may recommend to avoid destruction or adverse modification of critical habitat in this unit, this analysis estimates incremental impacts of critical habitat designation of Unit 1 according to three scenarios, as described in Section 4.1. These scenarios drive the range in estimated incremental impacts of the designation.

4.1 IMPACTS TO DEVELOPMENT ACTIVITIES

69. The Service has stated that development activities that disturb the soil and result in habitat fragmentation are considered a potential threat to the gopher frog and its habitat.⁶³ Residential or commercial development is forecast within proposed critical habitat Unit 1 and Subunits 2a and 2b (other than timber development, which is discussed separately). Units with lands potentially available for residential or commercial development are discussed below.

UNIT 1

70. Unit 1 is entirely privately-owned by a group on five landowners and Weyerhaeuser. Currently, this land is leased to Weyerhaeuser and managed for timber development (see Section 4.2).⁶⁴ The landowners began leasing their land to Weyerhaeuser's predecessor in 1953 and the current lease is set to expire in 32 years.⁶⁵ Approximately five years ago,

 $^{^{\}rm 65}$ Written communication with Edward Poitevent, August 2, 2011.



⁶² Using a seven percent discount rate.

^{63 75} FR 31393, 31400.

⁶⁴ A small portion of Unit 1 may be owned by Weyerhaeuser in fee (Written communication with Edward Poitevent, August 2, 2011).

the landowners entered into an understanding with Weyerhaeuser Real Estate Development Company (WREDCO) to jointly develop the land covered by the timber lease. The arrangement stipulates that the landowners contribute land and WREDCO contributes capital in a joint venture to develop the land when market conditions are amenable. The current timber lease will be released once development occurs. If the land is ultimately sold to a third party, the landowners and WREDCO have agreed upon a division of the monetary gains. If

- 71. St. Tammany Parish is a fast-growing area; according to the Louisiana State Census the population grew from 191,268 to 233,740, or 22 percent, between 2000 and 2010.⁷⁰ Growth in the Parish is projected to continue, reaching nearly 500,000 by 2030.⁷¹ The area immediately surrounding the proposed critical habitat is experiencing particularly rapid growth. Within the last few years large warehousing facilities have been constructed or have begun construction in Pearl River.⁷² A new high school was recently opened not far from the proposed critical habitat and major transportation infrastructure is planned in anticipation of continued rapid growth in the area.⁷³ In addition, infrastructure improvements have recently taken place on Highway 1088 between Interstate 12 and Highway 36, which runs through the proposed critical habitat.⁷⁴
- 72. Over the last five years, the landowners and WREDCO have worked with the help of master planners Jordan, Jones & Goulding to rezone the area for development. Current zoning for the 1,544 acres falls within four zoning classifications: TND-2 (50 percent), A-3 (40 percent), A-4 (five percent), and A-2 (five percent). These classifications are defined as follows:



⁶⁶ Personal Communication with Edward Poitevent, June 9, 2011.

⁶⁷ Email Communication with Edward Poitevent, June 9, 2011.

⁶⁸ There remains significant uncertainty regarding the timing of potential development activities within Unit 1. A February 2012 article in the New Orleans Times-Picayune based on an interview with the landowner indicates that development of the unit would not occur until 2043, after the timber lease expires (Harvey, Christine. "Gopher frog habitat plans contested by St. Tammany Parish landowner" New Orleans Times-Picayune. February 1, 2012. Accessed by http://www.nola.com/politics/index.ssf/2012/02/st_tammany_parish_landowner_fi.html on March 29, 2012).

 $^{^{69}}$ Written communication with Edward Poitevent, August 2, 2011.

⁷⁰ Demographics and Census Geography Louisiana State Census Data Center, accessed by http://louisiana.gov/Explore/Demographics_and_Geography/ on June 29, 2011.

⁷¹ Louisiana Population Projections, accessed by http://www.louisiana.gov/Explore/Population_Projections/ on June 29, 2011.

⁷² For example, Rooms to Go opened a distribution and retail outlet in 2009 (http://neworleanscitybusiness.com/blog/2009/12/08/rooms-to-go-opens-50m-pearl-river-facility/) and Associated Wholesale Grocers, Inc. began construction on a distribution center in June 2011 (http://www.stedf.org/photos/1309362414.pdf).

⁷³ Email Communication with Edward Poitevent, June 9, 2011.

⁷⁴ Written communication with Edward Poitevent, August 2, 2011.

⁷⁵ Ibid.

- TND-2 Traditional Neighborhood Development Zoning District compact mixed use development zone that includes residential, commercial, civic and open space;
- A-3 Suburban District single-family residential zone with a maximum density of two units per acre;
- A-4 Single-Family Residential District single-family residential zone with a maximum density of four units per acre; and
- A-2 Suburban District single-family residential district with a maximum density of one unit per acre. ⁷⁶
- 73. The landowners and WREDCO have invested a significant amount of time and dollars into their plans to develop this area. Because Louisiana Highway 36 runs through the proposed critical habitat unit, the area is particularly attractive for development. Development plans for this area are currently delayed due to the recession and the negative real estate bank-lending environment. Recently, the landowner indicated that development may not occur until 2043, which is beyond the 20-year timeframe of this analysis. Nevertheless, we assume that any reduction in land value occurring due to the designation of critical habitat will happen immediately at the time of the designation (the time at which the restriction is considered enforceable).
- 74. If the development plans do move forward, a section 404 Army Corps permit may be necessary and therefore consultation with the Service regarding effects on the proposed critical habitat will likely be required.⁷⁹ If development avoids jurisdictional wetlands, section 7 consultation would not be required due to the absence of a Federal nexus.
- 75. The Service has indicated that in order to properly manage the breeding sites within Unit 1, prescribed burns would be necessary. Development would make burning more problematic, but not impossible. If this area is developed, burns would likely be less frequent than without development. During consultation, the Service strives to work with Federal action agencies and landowners to minimize the impacts of a particular action. In this case, if the landowners agree to allow the Service to re-introduce the gopher frog in a portion of the unit, the Service anticipates the remainder would be available for development activities. Specifically, the Service indicates that protecting 60 percent (or 926 acres) of the proposed critical habitat in Unit 1 would provide a meaningful conservation benefit to the gopher frog. Therefore, development of 618

⁸¹ Email Communication with U.S. Fish and Wildlife Service biologist, August 12, 2011.



⁷⁶ St. Tammany Parish Government, Unified Development Code - Volume 1 (Zoning), accessed by http://www.stpgov.org/departments_planning_unified.php on June 20, 2011.

⁷⁷ Email Communication with Edward Poitevent, June 9, 2011.

⁷⁸ Harvey, Christine. "Gopher frog habitat plans contested by St. Tammany Parish landowner" New Orleans Times-Picayune. February 1, 2012. Accessed by http://www.nola.com/politics/index.ssf/2012/02/st_tammany_parish_landowner_fi.html on March 29, 2012.

⁷⁹ Personal Communication with Edward Poitevent, June 9, 2011.

⁸⁰ Email Communication with U.S. Fish and Wildlife Service biologist, July 29, 2011.

- acres (40 percent) within Unit 1 with 926 acres of the unit managed for the conservation and recovery of the species would avoid adverse modification of critical habitat. The Service anticipates that such a compromise is the most likely outcome of section 7 consultation regarding proposed development activities within the Unit. 82
- 76. Under the most conservation assumption (e.g., most likely to overstate rather than understate impacts) regarding the outcome of section 7 consultation, the Service would recommend complete avoidance of development within Unit in order to avoid adverse modification of critical habitat.
- 77. Due to uncertainty regarding the likelihood of a Federal nexus and the conservation measures that would be recommended during consultation, we evaluate impacts of critical habitat designation on development activities in Unit 1 according to the following three scenarios:
 - Scenario 1 This scenario assumes that development occurring within the unit avoids impacts on jurisdictional wetlands. As such, there is no Federal nexus (no Federal permit is required) triggering section 7 consultation regarding gopher frog critical habitat.
 - Scenario 2 This scenario assumes the proposed development of Unit 1 requires a Corps CWA Section 404 permit due to the presence of jurisdictional wetlands. The development would therefore be subject to section 7 consultation considering critical habitat for the gopher frog. This scenario further assumes that the Service works with the landowner to establish conservation areas for the gopher frog within the unit, resulting in 40 percent of the Unit being developed and 60 percent managed for gopher frog conservation and recovery.
 - Scenario 3 This scenario again assumes that the proposed development of Unit 1 requires a Section 404 permit and therefore is subject to section 7 consultation. This scenario further assumes that, due to the importance of the unit in the conservation and recovery of the species, the Service recommends that no development occur within the unit.
- 78. According to Scenarios 2 and 3, the economic impact of critical habitat designation is the lost development value of lands within the unit on which development is precluded. Note that the total value of the land would not be lost, as there is some value associated with timber production and other potential land uses.⁸³
- 79. We do not expect that designation of critical habitat in Unit 1 will have a significant impact on regional real estate demand and supply dynamics. The economic impacts are likely to extend beyond the regulated landowners and affect the real estate market, real estate consumers, and the regional economy if: (1) the amount of land not developed as a



⁸² Personal Communication with U.S. Fish and Wildlife Service, August 11, 2011.

⁸³ In general, normal silvicultural activities are exempt from section 404 permitting requirements. Therefore, consultation with the Service under section 7 of the Act is not necessary and timber harvests will not be affected by the designation. Impacts to forestry activities are discussed in more detail in Section 4.2.

- result of gopher frog protection is high relative to the total developable land in the region; or (2) other project modification costs are high relative to real estate development value and cover a significant proportion of developable land. In these cases, landowners and developers may pass on the costs to real estate consumers in the form of high prices.
- 80. Conversely, if project modification costs are low or if gopher frog protection only affects a small fraction of the total developable land supply in a region, then economic effects are likely to be limited to that subset of individual landowners or projects. This analysis estimates that up to 1,544 acres of developable land will be affected by the critical habitat designation. This acreage represents approximately 0.5 percent of the total amount of developable land within St. Tammany Parish. As area within the proposed critical habitat designation represents a small percentage of total developable lands within the Parish, we expect a reduction in the regional supply of housing is unlikely.
- 81. The current landowners are concerned that, in addition to limiting development, critical habitat designation will restrict all future uses of the land, including timber management and hunting. However, critical habitat only affects activities with a Federal nexus, as described in Chapter 2 of this report. As such, absent Federal funding, permitting, or oversight, certain future uses of the land would not be precluded. For example, timber management activities, such as are currently occurring on these lands, are exempt from Corps regulation under Section 404 of the CWA, and thus are not subject to Federal funding or permitting. Consequently, critical habitat does not provide the Service with regulatory authority regarding critical habitat for the gopher frog with respect to this activity. We therefore do not expect that critical habitat designation would affect timber management activities in Unit 1. Similarly, hunting activities are unlikely to affect the critical habitat for the gopher frog and are not subject to a Federal nexus triggering section 7 consultation. As such, hunting activities are not expected to be affected by critical habitat designation for the gopher frog in Unit 1.
- 82. The landowners of Unit 1 have also expressed interest in developing the land for oil and gas. Oil and gas activities are potentially subject to a Federal nexus if a Corps CWA Section 404 Permit is required. St. Tammany and adjacent Parishes contain Tuscaloosa marine shale. Recent consultation with a geologist has shown that Tuscaloosa Marine



We estimate the amount of developable land in St. Tammany Parish using the latest land cover data available.

Developable land is defined as land classified as cultivated, deciduous forest, evergreen forest, grassland, mixed forest, pasture, hay and scrub/shrub. Wetlands, water, and lands already developed are not considered developable land.

Furthermore, protected lands are not considered developable land (NOAA Coastal Change Analysis Program (C-CAP) Land Cover and Change Data [landcover_la_noaa_2005.tif] Available online at http://lagic.lsu.edu/loscoweb/. Accessed March 29, 2012; U.S. Geological Survey Protected Areas Database 1.2, 2011).

⁸⁵ The landowner has also expressed concern that burning of these lands may occur due to the critical habitat designation and that these burns will be incompatible with any future land uses (Written communication with Edward Poitevent, August 2, 2011). Critical habitat designation does not allow the Service to require burning of land parcels. Absent section 7 consultation (which is not required for private activities on private lands) the Service cannot prescribe burning of private critical habitat lands.

⁸⁶ Chacko, John J. et al., An Unproven Unconventional Seven Billion Barrel Oil Resource - the Tuscaloosa Marine Shale, Basin Research Institute. Louisiana State University.

- Shale exists within proposed critical habitat Unit 1. Tandowners indicate that a geologist recently determined that there may be 20 million bbls or recoverable oil within the landowners' total land area. Approximately 3.5 percent of the landowners' land overlaps the 1,544 acres within the unit. As noted above, the landowners are concerned that the Service may restrict the use of the land for oil and gas development, resulting in further impacts (above and beyond losses associated with residential and commercial development restrictions).
- 83. In many cases, impacts of oil and gas exploration and development on habitats may be avoided by implementing conservation efforts such as directional drilling to avoid surface disturbance. These conservation efforts, however, would result in some incremental operational costs even in the case that oil and gas development is not precluded. It is therefore possible that, in the case oil and gas development occurs on this land, and a Federal nexus is present triggering section 7 consultation, that there may be economic impacts of critical habitat designation for the gopher frog on this activity. We do not quantify these impacts due to considerable uncertainty surrounding the likelihood, timing, and extent of oil and gas development within Unit 1 over the foreseeable future.
- 84. While we do not anticipate that all economic activities would be precluded on these land (i.e., timber management and hunting are unlikely to be affected and potential impacts on oil and gas development activities are uncertain), the value of the land associated with the option for future development may be lost in a portion of Unit 1 under Scenario 2, and all lands within Unit 1 according to Scenario 3. Because the unit is unoccupied, costs associated with project modifications implemented to avoid adversely modifying critical habitat would be attributable to the critical habitat designation (i.e., incremental impacts).
- 85. We apply the following information to quantify the economic impact of restricting development within Unit 1 due to critical habitat designation:
 - The number of acres within the unit that may be targeted for development absent the designation of critical habitat;
 - The number of acres within the unit where development would be restricted;
 - Market values of comparable land parcels subject to similar types of development opportunity for which restrictions on future development do not exist; and
 - The current value of this land for its other potential future uses (e.g., timber management, oil and gas development, recreation, etc.).
- 86. This analysis assumes that, absent critical habitat designation, the entire area within proposed critical habitat Unit 1 will be subject to future development. According to Scenario 2, development will be restricted on 926 acres. According to Scenario 3, development will be restricted within the entire unit (1,544 acres). Adjacent land with comparable zoning has been proposed for sale to Central Louisiana Electric Company for \$23,500/acre. This value does not include the value of the standing timber, as

⁸⁸ Written communication with Edward Poitevent, August 2, 2011.



⁸⁷ Written communication with Edward Poitevent, August 2, 2011.

Weyerhaeuser maintains the lease for the timber. This value is used to approximate the per acre value of the land for future development in proposed critical habitat Unit 1. As the exact uses of the sale parcel compared to the proposed critical habitat parcel are uncertain, the value is not a perfect proxy for development value of the critical habitat acres. For example, the sale parcel may have more or less oil and gas potential, or may be more or less desirable for future development. This would affect the relative value of the parcels. However, the market value of nearby comparably zoned parcels currently represents the best available information of the potential development value of the critical habitat lands.

- 87. We multiply the per-acre development value by the total number of acres within critical habitat that may not be developed due to the gopher frog critical habitat designation. Assuming substitute land is available to developers, existing landowners bear the full burden of the costs of gopher frog development restrictions in the form of lower land values. This reduction in land value occurs immediately at the time of designation of critical habitat (the time at which the restriction is considered enforceable); therefore, this analysis assumes the land value loss occurs in 2012. In addition, under Scenarios 2 and 3 the administrative cost of a new consultation considering only adverse modification will occur in 2012. Accordingly, the total incremental impacts to development activities in Unit 1 are anticipated to be:
 - Scenario 1 Absent consultation, no conservation measures are implemented for the species and critical habitat designation of Unit 1 does not result in any incremental economic impact.
 - Scenario 2 According to this scenario, present value incremental impacts of critical habitat designation due to the lost option for developing 60 percent of Unit 1 lands are \$20.4 million (\$1.92 million in annualized impacts).
 - Scenario 3 According to this scenario, present value impacts of the lost option for development in 100 percent of the unit are \$33.9 million (\$3.20 million in annualized impacts).⁸⁹
- 88. As noted above, the loss in Scenarios 2 and 3 reflect only the lost development value of the land. The extent to which future oil and gas activities may also be affected by critical habitat designation of this unit is unknown. Exhibit 4-1 presents these key uncertainties and the potential bias they introduce in the evaluation of the incremental impacts of critical habitat designation in Unit 1.

⁸⁹ Development loss impacts in Scenarios 2 and 3 are calculated by multiplying 926 and 1,544, respectively, by \$23,500 per acre (totaling \$21.8 million and \$36.3 million, respectively), discounted one year at seven percent.



EXHIBIT 4-1. KEY UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED INCREMENTAL IMPACTS OF CRITICAL HABITAT DESIGNATION FOR THE GOPHER FROG IN UNIT 1

SOURCE OF UNCERTAINTY	DIRECTION OF POTENTIAL BIAS	LIKELY SIGNIFICANCE WITH RESPECT TO ESTIMATED IMPACTS
We apply the market value of a comparable parcel of vacant, developable land (\$23,500/acre) as a proxy for the option value of future development on the critical habitat lands.	May overestimate or underestimate incremental impacts	Potentially major. The option value for future development, which is what is lost when development is precluded on a parcel, is unknown for these lands. Applying market values of similarly zoned adjacent parcels may overestimate the value of the land for future development to the extent that the market values incorporate values of the future use of the land other than for development (e.g., future oil and gas development or recreational use values). The market value may also overestimate the development value of the critical habitat acres to the extent that the sale parcel is more attractive for potential future development than the critical habitat parcel. On the other hand, the market value may underestimate the development value of the critical habitat lands to the extent that the critical habitat lands are more desirable for future development activity.
The landowners anticipate that, due to the presence of Tuscaloosa Marine Shale, oil and gas extraction may occur in the future absent critical habitat designation. The landowners suggest that the value of this activity within critical habitat would be \$17.1 million in market value for the potentially discoverable oil, plus an additional \$164,900 to \$247,350 in minerals bonus.**	Likely leads to an underestimate of incremental impacts	Potentially major. Approximately 700,000 barrels of oil are predicted to exist within the shale of proposed Unit 1.* In the case that critical habitat designation precludes oil and gas development activities, the landowners suggest the market value of the oil and the minerals bonus are losses. First, it is uncertain whether the Service would preclude oil and gas activities within the critical habitat area. It may be that the activities could proceed with some modification (e.g., implementing directional drilling). In this case, the value of the land associated with potential future oil and gas development would not be lost. Second, the market value of the oil does not represent an economic impact to the landowners as it is not net of the costs of exploration and extraction that would be incurred if the area were to be developed. To the extent that oil and gas development activities are affected by critical habitat designation, however, this analysis underestimates potential economic impacts associated with critical habitat designation in Unit 1.
We assume all land within proposed critical habitat Unit 1 may be developed within the next 30 years.	Unlikely to affect the results of the analysis.	No effect. We account for various scopes of development according to the three scenarios, which results in a range of impacts from zero to full loss of development value.



SOURCE OF UNCERTAINTY	DIRECTION OF POTENTIAL BIAS	LIKELY SIGNIFICANCE WITH RESPECT TO ESTIMATED IMPACTS
The landowners suggest that the value of the timber on these lands is \$3.96 million (the value of the standing timber) and an additional \$1.98 million to \$2.97 million associated with timbering the land for the remainder of the lease term.	Unlikely to affect the results of the analysis.	No effect. This analysis does not anticipate that timber management of these lands will be affected by critical habitat designation for the gopher frog. This activity does not involve a Federal nexus and is not expected to be subject to section 7 consultation.
The landowners suggest that revenue from hunting leases on the critical habitat lands contributed \$9,844 per year.	Unlikely to affect the results of the analysis.	No effect. This analysis does not anticipate that hunting on these lands will be affected by critical habitat designation for the gopher frog. This activity does not involve a Federal nexus and is not expected to be subject to section 7 consultation.

Notes and Sources:

SUBUNITS 2A AND 2B

- 89. The privately-owned areas in Subunits 2a (52 acres) and 2b (seven acres) are included in the master planning area for a 4,600-acre development known as "Tradition." Tradition is being developed by Columbus Communities, L.L.C. Tradition Properties, Inc. (Tradition Properties), which plans to build it in phases over a 20-year period. A 2001 consultation with the Corps on Tradition identified potential impacts of the development on gopher frogs as including a reduced ability of USFS to conduct controlled burns on their adjacent property, increased damage related to off-road vehicle use, and increased potential for predation by pets. 90
- 90. The majority of the Tradition development located within the proposed critical habitat is in Subunit 2a which is considered to be occupied by the gopher frog. As described in Chapter 2 of this analysis, the Service has stated that "in occupied critical habitat it is unlikely that an analysis would identify a difference between measures needed to avoid the destruction or adverse modification of critical habitat from measures needed to avoid jeopardizing the species." Therefore, in areas occupied by the species, no additional project modifications above and beyond those requested under jeopardy would be requested to avoid adverse modification of critical habitat. This section nonetheless considers whether it is possible that additional project modifications or other property value effects are likely to occur in Subunits 2a and 2b as a result of critical habitat designation.

⁹¹ Ibid.



^{*}Based on an estimate of 20 million barrels of oil on 43,500 acres - the 1,544 acres within Unit 1 represent 3.5 percent of this area (Written communication with Edward Poitevent, August, 2, 2011).

^{**}Written communication with Edward Poitevent, August, 2, 2011.

⁹⁰ United States Fish and Wildlife Service, Jackson Mississippi Field Office, November 19, 2001, Biological Opinion on the Tradition Community Development Corporation.

- 91. The 2001 consultation with the Corps on Tradition focused on potential impacts to the gopher tortoise, and required extensive terms and conditions related to relocating them to suitable habitat during construction activities. This consultation also included a conference opinion on the gopher frog, which at the time was not yet listed. The consultation recommended that the Corps adopt a "Temporary No Build Zone" on Tradition property located within a 0.33 miles radius of the breeding pond. ⁹² This Temporary No Build Zone was originally established in July 2000 as an agreement between Tradition and the Service in order to prevent jeopardizing the continued existence of the gopher frog. ⁹³ The No Build Zone includes most of the 59 acres of Tradition land that is currently proposed for designation as critical habitat for the gopher frog. Because no critical habitat for the species was designated at that time, the potential for adverse modification of frog habitat was not considered. ⁹⁴
- 92. In a public comment submitted on the draft proposed critical habitat rule for the gopher frog, Tradition Properties expressed their support of the proposed critical habitat designation on their land. However, Tradition Properties has subsequently expressed concern that critical habitat may make Tradition's planned use of the area for single-family residential units and/or a portion of a golf course economically unfeasible. However, Tradition's planned use of the area for single-family residential units and/or a portion of a golf course economically unfeasible.
- 93. Although it states concern, Tradition Properties also states that the proposed critical habitat "is also currently part of an area designated for Gopher tortoise habitat in the event that Gopher tortoises must be relocated from future development areas of Tradition." Further, Tradition's current master plan of future development of the property identifies the proposed critical habitat area as predominantly "Wetlands/Open Space." The master plan does appear to identify a small portion of proposed Subunit 2a as "Residential Neighborhoods" and "Golf."
- 94. While gopher frog conservation efforts may have influenced plans for development, the plans occurred prior to proposed designation of critical habitat. The Corps consulted with the Service on this project in 2001. Service has indicated that "in occupied critical habitat it is unlikely that an analysis would identify a difference between measures needed to avoid the destruction or adverse modification of critical habitat from measures needed to avoid jeopardizing the species." Therefore, this analysis assumes that while the Corps is expected to reinitiate consultation to address the potential for adverse modification of critical habitat for the gopher frog, no additional project modifications to the areas planned for residential and golf course development within occupied Subunit 2a will be



⁹² Ibid.

⁹³ Ibid.

⁹⁴ United States Fish and Wildlife Service, November 19, 2001, Biological Opinion on the Tradition Community Development Corporation.

⁹⁵ Public comments of Gerald Blessey, Exec VP, Columbus Communities LLC, on July 30, 2010.

⁹⁶ Written communication with Gerald Blessey, Exec VP, Columbus Communities LLC, on October 10, 2010.

⁹⁷ Ibid.

⁹⁸ Traditions Master Plan Maps, Accessed at: http://www.traditionms.com/tradition/master_plan.html on October 11, 2010.

⁹⁹ Ibid.

required. Current plans do not appear to include developing within the unoccupied Subunit 2b. Thus, no additional project modifications will be required in unoccupied Subunit 2b either. However, the reinitiation of consultation is considered to be an incremental impact of the proposed critical habitat designation, and is assumed to occur in 2012 (the year critical habitat is expected to be finalized).

OTHER UNITS THAT CONTAIN POTENTIALLY DEVELOPABLE LANDS

- 95. Portions of Subunits 5a and 5b are owned by TNC and managed using funds provided by NRCS as part of HFRP (see Chapter 3), but the units also contain rural residential land that could be developed in the future. Subunit 5a contains some existing structures, while Subunit 5b remains mostly forested. While large-scale development of these subunits appears unlikely, small-scale future development potential exists. However, the likelihood of these lands being developed in the future is not known; therefore, impacts that could be associated with development of these lands, should consultation on them occur, are not included in the analysis.
- 96. Most of Unit 7 is currently managed for timber by the Jackson County School District, and the land manager does not expect the area to be developed. ¹⁰⁰ A small portion of the unit (35 acres) is privately-owned and could be developed in the future. Similar to Subunits 5a and 5b, the likelihood of this land being developed in the future is not known; therefore, impacts that could be associated with development of this land, should consultation on it occur, are not included in the analysis.

4.2 IMPACTS TO FORESTRY ACTIVITIES

- 97. This section describes potential incremental impacts of gopher frog critical habitat designation on forest management activities within the proposed critical habitat area. Forest management activities, including clear-cutting, site preparation, and prescribed burning have the potential to destroy or alter the upland area necessary for the growth and development of juvenile adult gopher frogs. ¹⁰¹
- 98. Most of Unit 7 is currently held in trust by the State of Mississippi to provide funding for Jackson County schools, and the Jackson County School Board has jurisdiction and control of the land. This land is part of a larger harvest scheduled to occur within the next five years. Unit 7 is considered occupied by the gopher frog. Unit 1 is currently leased to Weyerhaeuser for timber. Timber has been harvested from this land for over 100 years and the current lease is not set to expire for 32 years. The current timber will

¹⁰³ Written communication with Randy Wilson, Mississippi Forestry Commission, October 11, 2010.



¹⁰⁰ Personal communication with Vickie Vecchio, Jackson County School District, September, 28, 2010, and Randy Wilson, Mississippi Forestry Commission, October 8, 2010.

¹⁰¹ 75 FR 31400.

¹⁰² 75 FR 31397.

- not be ready to harvest for at least 15 years. ¹⁰⁴ Unit 1 is considered unoccupied by the gopher frog.
- 10. In general, normal silvicultural activities are exempt from section 404 permitting requirements. However, recent litigation and Federal agency initiatives could create a circumstance in which silviculture operations are no longer exempt from 404 permitting requirements. In recent years, the EPA has proposed guidance to expand the definition of the term "Waters of the United States" to include more water bodies than "Traditional Navigable Waters." Relevant case law includes *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) and *Rapanos v. United States*, 546 U.S. 1162 (2006). The broadening of these terms would lead to regulation of additional water bodies, which could in turn lead to increased permitting requirements for silviculture operations under section 404 of the CWA.
- 11. Additionally, a recent court ruling in the Ninth Circuit, *Northwest Environmental Defense Center v. Brown*, redefines road construction and other common practices associated with silviculture operations as sources of point-source pollution, as opposed to non-point source pollution, as previously defined. This has the potential to increase permitting requirements for silviculture operations in States within the Ninth Circuit, because several common forestry practices, when defined as sources of point-source pollution, are no longer exempted from Corps and National Pollution Discharge Elimination System (NPDES) permitting requirements under section 404(f) exemptions. Although Mississippi and Louisiana are outside of the Ninth Circuit, this ruling could be applied in those States at some point in the future, which would increase permitting requirements for silviculture operations in these States, creating the potential for a Federal nexus for silviculture operations. 107
- 99. Considerable uncertainty surrounds these rulings and whether they will in fact change the permitting requirements for silvicultural operations in Mississippi and Louisiana within the next 20 years. It follows that the likelihood for these activities to be subject to section 7 consultation considering the gopher frog and its habitat is likewise uncertain. Therefore, we continue to assume that forestry activities will not be subject to section 404 permitting requirements and consultation with the Service under section 7 of the Act will not be required. However, it is possible that the Jackson County School Board will develop an HCP to cover its activities within the proposed critical habitat to avoid take of the frog. There are currently no gopher frog conservation activities being conducted

 $^{^{\}rm 107}$ Personal and written communication with State Forester, AFC, on December 15, 2011.



¹⁰⁴ Personal Communication with Edward Poitevent, June 9, 2011.

¹⁰⁵ Clean Water Act. Section 404 Policy and Guidance, U.S.C. 1344. Section 404(f). Accessed at: http://www.epa.gov/owow/wetlands/regs/sec404.html on October 12, 2010. Exemption applies to "normal" silvicultural activities that do not entail land use conversion.

¹⁰⁶ Northwest Environmental Defense Center v. Marvin Brown, 640 F.3d 1063 (9th Cir. 2010).

- within the unit. 108 It is unlikely that the landowners or managers of Unit 1 will develop an HCP as the proposed critical habitat is currently unoccupied by the gopher frog.
- 100. As described in Chapter 2, under section 10(a)(1)(B) of the Act, an entity may develop an HCP for a listed species in order to meet the conditions for issuance of an incidental take permit. The development and implementation of an HCP is considered a baseline protection for the species and habitat unless the HCP is determined to be precipitated by the designation of critical habitat. In this case, it appears that the designation of critical habitat has the potential to precipitate development of the HCP since one was not conceived of prior to the proposed designation. In this case, Service would have to perform an intra-agency consultation on this HCP. To be conservative, this analysis includes administrative cost associated with a future section7 consultation on an HCP, which is included in this analysis as an incremental impact. At this time, project modifications that may be requested during consultation are unknown; therefore, the analysis includes only the administrative cost of intra-Service consultation. This cost is assumed to occur in 2012 the year that critical habitat for the gopher frog will be finalized.

4.3 IMPACTS TO MILITARY ACTIVITIES

- 101. USFS lands proposed as critical habitat for the gopher frog in Units 10, 11, and 12 are used by the MSARNG under a special use permit as part of Camp Shelby military training. Camp Shelby supports the mobilization, training, deployment, and demobilization of soldiers, sailors, airmen, and Marines. The current special use permit is set to expire in 2029, but USFS does not foresee any reason to revoke this permit after this time. 109
- 102. Camp Shelby consists of approximately 132,195 acres of land, including areas owned by the Department of Defense (5.5 percent), land leased from private landowners (0.7 percent), land owned by the state of Mississippi (6.0 percent), and land owned by the USFS (88 percent). Both the National Guard Bureau (NGB) and the MSARNG submitted public comment on the Proposed Rule expressing concern over the proposed designation of critical habitat within the boundaries of Camp Shelby and the possible reintroduction of the species on these lands. Both entities believe that Camp Shelby should be exempt from critical habitat designation under section 4(b)(2) of the Act. 111,112
- 103. Currently, MSARNG manages natural resources on land owned by the Department of Defense at Camp Shelby in accordance with an Integrated Natural Resource Management

¹¹² Public Comment on the Proposed Rule from Michael Bennett, the National Guard Bureau, Arlington, VA, August 2, 2010.



¹⁰⁸ Ibid.

¹⁰⁹ Personal communication with Lisa Yager, U.S. Forest Service, September 27, 2010.

¹¹⁰ Public Comment on the Proposed Rule from Michael Bennett, the National Guard Bureau, Arlington, VA, August 2, 2010

¹¹¹ Ibid.

Plan (INRMP) that was established in 2001. The INRMP covers species including the gopher tortoise, indigo snake, red-cockaded woodpecker, and the black pine snake, but does not currently cover the gopher frog. Indicate Interest Including the INRMP does not cover USFS land operated under the special use permit, including the areas proposed for designation, because these lands are managed by the USFS.

- 104. The areas being proposed for designation as critical habitat within Camp Shelby are currently used for bivouacking and convoy training. These are considered "light" training activities, as opposed to the "heavy" training with armored vehicles that occurs in the northerly portion of Camp Shelby. 116 It is likely that the USFS will consult with the Service on issuance of the special use permit which authorizes these activities, should the areas be designated as critical habitat for the gopher frog. This analysis assumes that USFS will engage in a programmatic consultation with the Service in 2012 to cover training activities within the proposed critical habitat. Because the units within Camp Shelby are considered unoccupied, this consultation would result entirely from the critical habitat designation. Therefore, the administrative cost of consultation and any project modifications requested to avoid an adverse modification finding would be considered to be incremental.
- 105. However, because the areas proposed for critical habitat designation are located within a Habitat Management Area (HMA) for the red-cockaded woodpecker, the Service does not expect to request any project modifications during consultation with USFS. The Service believes that the existing limitations to military activities occurring within the HMA are sufficiently protective of the gopher frog. Therefore this analysis includes only the administrative cost of consultation. The administrative cost of a future programmatic consultation is distributed equally over the three units within Camp Shelby. As mentioned above, DOD requests exclusion of these units "given Camp Shelby's importance as a training facility for the Army National Guard, Army and other military services."

4.4 RESULTS

106.

Exhibit 4-2 presents the projected incremental impacts to development, forestry, and military activities by unit and subunit. Incremental impacts associated with three scenarios in Unit 1 are presented to account for a range of possible impacts to development activities. Incremental impacts are limited to administrative costs of three anticipated consultations in Units 2a, 2b, 7, 10, 11, and 12.



¹¹³ *Ibid*.

¹¹⁴ Ibid.

¹¹⁵ Personal communication with Service biologist, Jackson Field Office, October 12, 2010.

¹¹⁶ Personal communication with Lisa Yager, U.S. Forest Service, September 27, 2010.

¹¹⁷ Personal communication with Service biologist, Jackson Field Office, March 16, 2012.

¹¹⁸ Public Comment on the Proposed Rule from Michael Bennett, the National Guard Bureau, Arlington, VA, August 2, 2010.

EXHIBIT 4-2 PROJECTED INCREMENTAL IMPACTS TO DEVELOPMENT, FORESTRY, AND MILITARY ACTIVITIES (2012 - 2031, 2011 DOLLARS, SEVEN PERCENT DISCOUNT RATE)

UNIT/SUBUNIT	PRESENT VALUE IMPACTS			ANNUALIZED IMPACTS		
	SCENARIO 1	SCENARIO 2	SCENARIO 3	SCENARIO 1	SCENARIO 2	SCENARIO 3
1*	\$0	\$20,400,000	\$33,900,000	\$0	\$1,920,000	\$3,200,000
2a	\$3,860			\$364		
2b	\$3,860			\$364		
3	\$0			\$0		
4a	\$0			\$0		
4b	\$0			\$0		
5a	\$0			\$0		
5b	\$0			\$0		
6	\$0			\$0		
7	\$4,240			\$400		
8	\$0			\$0		
9	\$0			\$0		
10	\$8,430			\$796		
11	\$8,430			\$796		
12	\$8,430			\$796		
Total	\$37,300	\$20,400,000	\$34,000,000	\$3,520	\$1,930,000	\$3,210,000

Notes:

Values are rounded to three significant figures. Totals may not sum due to rounding.



^{*} This analysis employs three scenarios to estimate impacts of critical habitat designation on development activities in Unit 1 due to uncertainty regarding future land use and gopher frog conservation and recovery recommendations.



CHAPTER 5 | POTENTIAL ECONOMIC BENEFITS

5.1 INTRODUCTION

- 107. There are two types of economic benefits that result from the proposed critical habitat designation: direct benefits and ancillary benefits. The primary intended benefit of critical habitat (i.e., the direct benefit) is to support the conservation of threatened and endangered species, such as the gopher frog. Thus, attempts to develop monetary estimates of the benefits of this proposed revised critical habitat designation would likely focus on the public's willingness to pay to achieve the conservation benefits to the gopher frog resulting from this designation.
- 108. Quantification and monetization of species conservation benefits would require information on the incremental change in the probability of gopher frog conservation that is expected to result from the designation. No studies exist that provide such information for this species. Furthermore, there is no published valuation literature to support monetization of such changes for this species.
- 109. Numerous published studies estimate individuals' willingness to pay to protect endangered species. 119 The economic values reported in these studies reflect various groupings of benefit categories (including both use and non-use values). For example, these studies assess public willingness to pay for wildlife-viewing opportunities, for the option for seeing or experiencing the species in the future, to assure that the species will exist for future generations, and simply knowing a species exists, among other values. Unfortunately, this literature addresses a relatively narrow range of species and circumstances compared to the hundreds of species and habitats that are the focus of the Act. Specifically, existing studies focus almost exclusively on large mammal, bird, and fish species, and generally do not report values for incremental changes in species conservation. Importantly for this analysis, we are not aware of any published studies that estimate the value the public places on preserving the gopher frog.
- 110. Other ancillary benefits may also be achieved through designation of critical habitat. For example, the public may hold a value for habitat conservation, beyond its willingness to pay for conservation of a specific species. Studies have been done that estimate the public's willingness to pay to preserve wilderness areas, for wildlife management and preservation programs, protection of open space and ecosystem maintenance. These studies address categories of benefits (e.g., ecosystem integrity) that may be similar to the types of benefits provided by critical habitat, but do not provide values that can be used to establish the incremental values associated with this proposed critical habitat designation

¹¹⁹ See, for example, Loomis, J.B. and Douglas S. White. 1996. Economic Benefits of Rare and Endangered Species: Summary and Meta-Analysis. Ecological Economics, 18(3): 197-206.



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- (i.e., the ecosystem and species protection measures considered in these studies are too dissimilar from the habitat protection benefits that may be afforded by this designation).
- Open space can provide aesthetic benefits, with subsequent positive impacts on property values in the surrounding community. Such benefits are not the purpose of critical habitat designation. In addition, applying this literature would involve transferring research results from other parts of the country and other contexts to Mississippi and Louisiana and the specific context of this rulemaking. More importantly, it is not possible to estimate the likelihood that open space will be preserved as a result of this proposed designation. Thus, because open space preservation is not the goal of the designation, and because it is not possible to determine the probability that such benefits will occur in this instance, the Service has decided not to include such estimates in the Economic Analysis. The remainder of this chapter includes a qualitative benefits discussion, summarizing the gopher frog conservation efforts described in Chapters 3 and 4 of this report and linking them with potential categories of economic benefit that may derive from their implementation.

5.2 POTENTIAL BENEFITS OF GOPHER FROG CONSERVATION

- 112. This section describes the categories of benefits potentially resulting from gopher frog conservation efforts within the study area. As described in Chapters 3 and 4, the only additional conservation effort anticipated to be undertaken incrementally as a result of critical habitat designation for gopher frog is the avoidance of development in Unit 1. The remainder of the quantified incremental costs is limited to the administrative effort associated with future consultations. Therefore, ancillary benefits are only anticipated related to the avoidance of development in Unit 1. The following categories of benefits may derive from conservation efforts in Unit 1:
 - Property value benefits: Open space or decreased density of development resulting from gopher frog conservation may increase adjacent or nearby property values.
 - Aesthetic benefits: Social welfare gains may be associated with enhanced aesthetic quality of habitat. Preferences for aesthetic improvements may be measured through increased willingness-to-pay to visit a habitat region for recreation or increased visitation.
 - Ecosystem services benefits: Decreased development may lead to protection and improvement of water quality and preservation of natural habitat for other species.
- In addition to these categories of potential benefit, avoidance of development in Unit 1 related to the broader conservation and recovery of the species. All conservation efforts therefore relate to the maintenance or enhancement of the use and non-use value (e.g., existence value) that the public may hold specifically for the gopher frog. Further, many of the conservation efforts undertaken for the gopher frog may also result in



improvements to ecosystem health that are shared by other, coexisting species. The maintenance or enhancement of use and non-use values for these other species, or for biodiversity in general, may also result from these gopher frog conservation efforts.



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APPENDIX A | SMALL BUSINESS ANALYSIS AND ENERGY IMPACTS ANALYSIS

- 114. This appendix considers the extent to which incremental impacts from critical habitat designation for the gopher frog may be borne by small entities and the energy industry. The analysis presented in Section A.1 is conducted pursuant to the RFA as amended by SBREFA. Information for this analysis was gathered from the Small Business Administration (SBA), the Service, and from interviews with stakeholders contacted in the development of the economic analysis. The energy analysis in Section A.2 is conducted pursuant to Executive Order No. 13211.
- 115. The analyses of impacts to small entities and the energy industry rely on the estimated incremental impacts resulting from the proposed revised critical habitat designation. The incremental impacts of the rulemaking are most relevant for the small business and energy impacts analyses because they reflect costs that may be avoided or reduced based on decisions regarding the composition of the final rule. The only incremental impacts forecast in this analysis are the administrative costs of section 7 consultation, as quantified in Chapters 3 and 4.

A.1 SBREFA ANALYSIS

- 116. When a Federal agency proposes a regulation, the RFA requires the agency to prepare and make available for public comment an analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions as defined by the RFA). No initial regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the RFA to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have significant economic impact on a substantial number of small entities. To assist in this process, this appendix provides a screening level analysis of the potential for gopher frog critical habitat designation to affect small entities.
- 117. To ensure broad consideration of impacts on small entities, the Service has prepared this small business analysis without first making the threshold determination in the proposed rule regarding whether the proposed revised critical habitat designation could be certified as not having a significant economic impact on a substantial number of small entities. This small business analysis will therefore inform the Service's threshold determination.

¹²⁰ 5 U.S.C. § 601 et seq.



A.1.1 REQUIREMENTS OF SBREFA ANALYSIS

- 118. This analysis is intended to improve the Service's understanding of the potential effects of the proposed rule on small entities and to identify opportunities to minimize these impacts in the final rulemaking. The Act requires the Service to designate critical habitat for threatened and endangered species to the maximum extent prudent and determinable. Section 4(b)(2) of the Act requires that the Service designate critical habitat "on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular areas as critical habitat." The Secretary's discretion is limited as (s)he may not exclude areas if so doing "will result in the extinction of the species."
- 119. Three types of small entities are defined in the RFA:
 - Small Business Section 601(3) of the RFA defines a small business as having the same meaning as small business concern under section 3 of the Small Business Act. This includes any firm that is independently owned and operated and is not dominant in its field of operation. The SBA has developed size standards to carry out the purposes of the Small Business Act, and those size standards can be found in 13 CFR 121.201. The size standards are matched to NAICS industries. The SBA definition of a small business applies to a firm's parent company and all affiliates as a single entity.
 - Small Governmental Jurisdiction Section 601(5) defines small governmental jurisdictions as governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000. Special districts may include those servicing irrigation, ports, parks and recreation, sanitation, drainage, soil and water conservation, road assessment, etc. When counties have populations greater than 50,000, those municipalities of fewer than 50,000 can be identified using population reports. Other types of small government entities are not as easily identified under this standard, as they are not typically classified by population.
 - Small Organization Section 601(4) defines a small organization as any not-forprofit enterprise that is independently owned and operated and not dominant in its field. Small organizations may include private hospitals, educational institutions, irrigation districts, public utilities, agricultural co-ops, etc.
- 120. The courts have held that the RFA/SBREFA requires Federal agencies to perform a regulatory flexibility analysis of forecast impacts to small entities that are directly regulated. In the case of *Mid-Tex Electric Cooperative, Inc., v. Federal Energy Regulatory Commission (FERC)*, FERC proposed regulations affecting the manner in which generating utilities incorporated construction work in progress in their rates. The generating utilities that expected to be regulated were large businesses; however, their customers -- transmitting utilities such as electric cooperatives -- included numerous small entities. In this case, the court agreed that FERC simply authorized large electric generators to pass these costs through to their transmitting and retail utility customers,



- and FERC could therefore certify that small entities were not directly impacted within the definition of the RFA. ¹²¹
- 121. Similarly, American Trucking Associations, Inc. v. Environmental Protection Agency (EPA) addressed a rulemaking in which EPA established a primary national ambient air quality standard for ozone and particulate matter. The basis of EPA's RFA/SBREFA certification was that this standard did not directly regulate small entities; instead, small entities were indirectly regulated through the implementation of state plans that incorporated the standards. The court found that, while EPA imposed regulation on states, it did not have authority under this rule to impose regulations directly on small entities and therefore small entities were not directly impacted within the definition of the RFA.
- 122. The SBA in its guidance on how to comply with the RFA recognizes that consideration of indirectly affected small entities is not required by the RFA, but encourages agencies to perform a regulatory flexibility analysis even when the impacts of its regulation are indirect. If an agency can accomplish its statutory mission in a more cost-effective manner, the Office of Advocacy [of the SBA] believes that it is good public policy to do so. The only way an agency can determine this is if it does not certify regulations that it knows will have a significant impact on small entities even if the small entities are regulated by a delegation of authority from the Federal agency to some other governing body."
- 123. The regulatory mechanism through which critical habitat protections are enforced is section 7 of the Act, which directly regulates only those activities carried out, funded, or permitted by a Federal agency. By definition, Federal agencies are not considered small entities, although the activities they may fund or permit may be proposed or carried out by small entities. Given the SBA guidance described above, this analysis considers the extent to which this designation could potentially affect small entities, regardless of whether these entities would be directly regulated by the Service through the proposed rule or by a delegation of impact from the directly regulated entity.

A.1.2 SUMMARY OF IMPACTS TO SMALL ENTITIES

124. This screening analysis focuses on small entities that may incur incremental impacts due to the designation of critical habitat. This analysis applies the methodology outlined in Chapter 2 to identify and estimate incremental impacts. As described in this report, approximately 99.7 percent of the estimated incremental impacts (\$3.20 million in annualized impacts) are related to land value losses due the lost option for future development value in Unit 1 according to our most conservative (i.e., most likely to overstate rather than understate impacts) scenario, which assumes development is entirely

¹²⁴ *Ibid.*, pg. 21.



¹²¹ 773 F. 2d 327 (D.C. Cir. 1985).

¹²² 175 F. 3d 1027, 1044 (D.C. Cir. 1999).

¹²³ Small Business Administration, Office of Advocacy. May 2003. A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act, pg. 20.

- precluded within the Unit. This incremental impact is anticipated to be borne across the multiple landowners within Unit 1, including four small businesses, one individual, and Weyerhaeuser (not a small business).
- 125. In addition, relatively minor incremental impacts stem from the additional administrative costs of addressing adverse modification during future section 7 consultations. Small entities may participate in section 7 consultation as a third party (the primary consulting parties being the Service and the Federal Action agency). It is therefore possible that the small entities may spend additional time considering critical habitat during section 7 consultation for the gopher frog. These incremental administrative costs of consultation borne by third parties are the subject of this SBREFA analysis. Additional incremental administrative costs of consultation borne by Federal action agencies and the Service are not relevant to this screening analysis as these entities (Federal agencies) are not small.
- 126. Chapters 3 and 4 of this analysis estimate incremental impacts for species management, development, timber management and military activities as follows.
 - Species Management. Chapter 3 of this report discusses effects the proposed critical habitat designation will have on species management activities. Gopher frog management activities occur on land owned by the USFS, Corps, and TNC. Federal agencies are not small entities by definition. TNC, a non-profit organization, is classified under NAICS code 813312 (Environment, Conservation and Wildlife Organizations), which has a small business threshold of \$7 million in annual revenues. A national organization, TNC's annual revenues exceed \$500 million. 125
 - **Development.** Development is likely within the proposed gopher frog critical habitat in Unit 1 and Subunits 2a, and 2b. At the high end of our estimated range of impacts to development, impacts associated with lost development value in Unit 1 represent 99.7 percent of the overall incremental impacts. A portion of this impact is expected to be born by the small business landowners in Unit 1. In addition, incremental costs are forecast to be incurred by Tradition Properties in Subunits 2a and 2b as the Corps is expected to reinitiate consultation to address the potential for adverse modification of critical habitat on the gopher frog. As Tradition Properties and the landowners in Unit 1 are considered small entities, potential impacts to these businesses are discussed in greater detail below.
 - **Timber Management.** As described in Section 4.2 of this report, incremental impacts to future timber management projects, which are administrative in nature, are forecast to be incurred by the State of Mississippi, which does not meet the definition of a small entity.
 - **Military Activities.** Section 4.3 of this report discusses the likelihood that the National Guard Bureau (NGB) and the MSARNG would enter consultation with

¹²⁵ Consolidated Financial Statements for the Years Ended June 30, 2009 and 2008, The Nature Conservancy. Accessed online at http://www.nature.org/aboutus/annualreport/files/fs_fy2009.pdf on October 15, 2010



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the Service on their training activities. Both are governmental agencies that are not considered small entities.

Given that incremental impacts potentially incurred by small entities are limited to development activities within Unit 1 and at the Tradition development, the remainder of this analysis focuses on these activities.

Development Impacts

Unit 1

- 127. Proposed critical habitat lands in Unit 1 are jointly owned by a group, which acts as a unified landowner, and Weyerhaeuser. The group is made up of four limited liable corporations (LLCs) and one individual. Personal communication with one landowner indicates that the LLCs are classified as Land Subdividers (NAICS Code 237210), which must have revenues below \$7 million to be considered a small entity. The landowner has also indicated that each of the four LLCs meet the small business revenue threshold and should thus be considered small entities. The individual is not a business and therefore not considered in this analysis, and Weyerhaeuser is not a small business based on Small Business Administration thresholds.
- 128. As discussed in Chapter 4, Unit 1 is currently planned for large-scale future development when economic conditions are amenable. Due to uncertainty regarding the specific scope and scale of development within this unit, combined with uncertainty regarding the conservation measures the Service may recommend through section 7 consultation, we estimate impacts on development within Unit 1 according to three scenarios. As this unit is not currently occupied by the species, the lost option for future development of these lands, as quantified in Chapter 4, is an incremental impact of critical habitat designation. The results of the analysis according to the three scenarios are as follows:
 - Scenario 1 This scenario assumes that development occurring within the unit avoids impacts on jurisdictional wetlands. As such, there is no Federal nexus (no Federal permit is required) triggering section 7 consultation regarding gopher frog critical habitat. Absent consultation, no conservation measures are implemented for the species and critical habitat designation of Unit 1 does not result in any incremental economic impact.
 - Scenario 2 This scenario assumes the proposed development of Unit 1 requires a U.S. Army Corps of Engineers (Corps) Clean Water Act (CWA) Section 404 permit due to the presence of jurisdictional wetlands. The development would therefore be subject to section 7 consultation considering critical habitat for the gopher frog. This scenario further assumes that the Service works with the

¹²⁸ Personal Communication with Edward Poitevent, August 4, 2011.



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Ownership interest is divided amongst the four LLC (which are small businesses) and the individual as follows: 40.3 percent, 37.2 percent, 21.7 percent, 0.79 percent, and the individual 0.13 percent (Written Communication with Edward Poitevent, August 4, 2011).

¹²⁷ Email Communication with Edward Poitevent, August 4, 2011.

- landowner to establish conservation areas for the gopher frog within the unit. The Service anticipates that approximately 40 percent of the Unit may be developed in the case that 60 percent is managed for gopher frog conservation and recovery. According to this scenario, present value incremental impacts of critical habitat designation due to the lost option for developing 60 percent of Unit 1 lands are \$20.4 million, an annualized impact of \$1.92 million.
- Scenario 3 This scenario again assumes that the proposed development of Unit 1 requires a Section 404 permit and therefore is subject to section 7 consultation. This scenario further assumes that, due to the importance of the unit in the conservation and recovery of the species, the Service recommends that no development occur within the unit. According to this scenario, present value impacts of the lost option for development in 100 percent of the unit are \$33.9 million, an annualized impact of \$3.20 million.
- 129. A small portion of the impacts estimated according to Scenarios 2 and 3 will be borne by the individual, and some fraction will be borne by Weyerhaeuser. Absent specific information on how these impacts may be distributed among the joint landowners, however, we conservatively (i.e., more likely to overstate than understate impacts on small businesses) that the full impact of lost development is borne by the four small business landowners within Unit 1.

Unit 2a and 2b

- 130. Tradition Properties is classified as a Land Subdivider (NAICS Code 237210), which must have revenues below \$7 million to be considered a small entity. Tradition estimates that total investment in the 4,800 acre development will approach \$2 billion at full build-out over 20 years. For purposes of this analysis, annual revenues for Tradition Properties are not available. As such, we assume that Tradition Properties is a small entity.
- 131. As discussed in Chapter 4, the majority of the 59 acres of overlap between the Tradition development and critical habitat appear to already be planned as set-asides for wetland/open space within the development. In addition, Subunit 2a is considered occupied by the gopher frog. As such, incremental costs of gopher frog critical habitat to Tradition Properties are anticipated to be \$1,350 or \$127 on an annualized basis associated with participating with the Corps on a reinitiation of a formal consultation on the development.

Number of Small Businesses Affected

132. As described above, four small Land Subdividers in Unit 1 and one small Land Subdivider in Units 2a and 2b are anticipated to experience an incremental economic

[&]quot;Tradition Fact Sheet". Accessed online at http://www.traditionms.com/tradition/fact-sheet.html, on October 14, 2010; "Tradition October 3, 2004 Press Release". Accessed online at http://www.traditionms.com/releases/pdf/10-03-04Luxury.pdf on October 15, 2010.



¹²⁹ Company Profile for Tradition Properties Inc, Accessed online at "The Million Dollar Database." Dunn and Bradstreet. On October 13, 2010.

impact due to the critical habitat designation for the gopher frog. Currently, 129 small Land Subdividers (businesses within NAICS code 237210 with average annual receipts of less than \$7,000,000) exist within the counties containing proposed critical habitat.¹³¹ The five affected entities therefore account for 3.9 percent of total small Land Subdividers within counties containing critical habitat.

The analysis estimates that approximately 3.9 percent of total small land subdividers (five of 129) within the counties containing proposed critical habitat will experience economic impacts due to the designation.

Impact of Rule on the Affected Small Businesses

- 133. While data are not available on the specific annual revenues for the four LLCs owning land within Unit 1, or for Tradition Properties, we estimate that, on average, small subdividers (NAICS Code 237210) experience average annual revenues of approximately \$1.79 million. 132
- 134. Annualized impacts to the four landowners in Unit 1 are evaluated according to three Scenarios. Exhibit A-1 describes the estimated impacts to the small businesses according to the three scenarios and compares this impact to estimated annual revenues of the four small businesses combined.

¹³² Annual revenues are estimated using Risk Management Association (RMA), Annual Statement Studies: Financial Ratio Benchmarks 2010 to 2011, 2011. For each NAICS code, RMA provides the net sales and the number of entities falling within several sales categories: \$0 to \$500,000, \$500,000 to \$2 million, \$2 to \$10 million, or \$10 to \$50 million. Based on the number of entities and total net sales falling within each sales category, we developed an estimate of average net sales (revenues) per small entity. Specifically, the analysis averages data for the sales categories at or below the small business threshold for each industry.



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¹³¹ Dialog search of File 516, Dun and Bradstreet, "Duns Market Identifiers," on August 9, 2011.

EXHIBIT A-1. IMPACTS OF CRITICAL HABITAT DESIGNATION ON SMALL SUBDIVIDERS IN UNIT 1

SCENARIO	ANNUALIZED IMPACT TO SMALL BUSINESSES IN UNIT 1	COMBINED AVERAGE ANNUAL REVENUE OF SMALL BUSINESSES IN UNIT 1*	IMPACT AS PERCENT OF AVERAGE ANNUAL REVENUE**	
1	\$0	\$7.16 million	0%	
2	\$1.92 million	\$7.16 million	26.8%	
3	\$3.20 million	\$7.16 million	44.7%	

Notes:

Values are rounded to three significant figures.

- * Data are not available regarding the specific annual revenues of the four small subdividers. We therefore estimate average annual revenues per small subdivider (\$1.79 milion) and multiply this by four in order to calculate the average annual revenues of the four subdividers combined.
- **To the extent that these subdividers experience average annual revenues of more or less than the average, impacts as a percent of annual revenues are over- or underestimated, respectively.
- 135. In addition, assuming Tradition Properties experiences average annual revenues of approximately \$1.79 million, the annualized impact of critical habitat designation on this business (\$127) represents less than 0.01 percent of its average annual revenues.

A.2 POTENTIAL IMPACTS TO THE ENERGY INDUSTRY

- 136. Pursuant to Executive Order No. 13211, "Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use," issued May 18, 2001, Federal agencies must prepare and submit a "Statement of Energy Effects" for all "significant energy actions." The purpose of this requirement is to ensure that all Federal agencies "appropriately weigh and consider the effects of the Federal Government's regulations on the supply, distribution, and use of energy."
- 137. The Office of Management and Budget provides guidance for implementing this Executive Order, outlining nine outcomes that may constitute "a significant adverse effect" when compared with the regulatory action under consideration:
 - Reductions in crude oil supply in excess of 10,000 barrels per day;
 - Reductions in fuel production in excess of 4,000 barrels per day;
 - Reductions in coal production in excess of 5 million tons per year;
 - Reductions in natural gas production in excess of 25 million thousand cubic feet per year;

¹³³ Memorandum For Heads of Executive Department Agencies, and Independent Regulatory Agencies, Guidance For Implementing E.O. 13211, M-01-27, Office of Management and Budget, July 13, 2001, http://www.whitehouse.gov/omb/memoranda/m01-27.html.



- Reductions in electricity production in excess of 1 billion kilowatt-hours per year or in excess of 500 megawatts of installed capacity;
- Increases in energy use required by the regulatory action that exceed the thresholds above;
- Increases in the cost of energy production in excess of one percent;
- Increases in the cost of energy distribution in excess of one percent; or
- Other similarly adverse outcomes. 134
- 138. As described in Chapters 3 and 4, incremental impacts to the energy industry are not anticipated as a result of critical habitat designation for the gopher frog. The landowner of Unit 1 has expressed interest in developing the land for oil and gas, as described in Chapter 4. The Service has not reviewed any oil and gas development projects for potential impacts on the gopher frog or its habitat. Consequently, potential impacts on the activity (e.g., increased operational costs associated with requested project modification) are uncertain. Proposed critical habitat in Unit 1 accounts for approximately 3.8 percent of the total land available for oil and gas discovery, as described in Chapter 4. Landowners estimate approximately 171,000 bbls of oil in total occur within this unit (3.8 percent of the total estimated discoverable resource.
- 139. The Service does not anticipate critical habitat designation will result in the complete loss of oil and gas development in Unit 1. In addition, the level and timing of such development is significantly uncertain regardless, as no oil and gas development has occurred within the region to date. Consequently, this analysis does not anticipate the rule will affect the production, distribution, or use of energy according to the above criteria.



134 Ibid.



APPENDIX B | THREE PERCENT DISCOUNT RATE EXHIBITS

- 140. This appendix summarizes the costs of gopher frog conservation efforts quantified in Chapters 3 and 4 of this report applying an alternative real discount rate of three percent (the main text of the report applies a real discount rate of seven percent). This analysis employs standard discounting techniques to calculate the present value of economic impacts that are expected to occur at different points in time. Consistent with the main analysis, this appendix focuses on quantified estimates of economic impacts to active species management, development, forestry, and military activities within the proposed revised critical habitat area.
- 141. Exhibit B-1 presents projected incremental economic impacts to active species management by unit and subunit applying a real discount rate of three percent. Exhibit B-2 presents projected incremental economic impacts to development, forestry, and military activities by unit and subunit applying a real discount rate of three percent.



EXHIBIT B-1 ESTIMATED INCREMENTAL IMPACTS TO ACTIVE SPECIES MANAGEMENT ACTIVITIES (2012 - 2031, 2011 DOLLARS, THREE PERCENT DISCOUNT RATE)

REGION	PRESENT VALUE	ANNUALIZED IMPACTS	
1	\$0	\$0	
2a	\$0	\$0	
2b	\$0	\$0	
3	\$8,760	\$589	
4a	\$0	\$0	
4b	\$0	\$0	
5a	\$7,230	\$486	
5b	\$7,230	\$486	
6	\$26,300	\$1,770	
7	\$0	\$0	
8	\$8,760	\$589	
9	\$8,760	\$589	
10	\$0	\$0	
11	\$0	\$0	
12	\$0	\$0	
Total	\$67,000	\$4,510	

Notes:

Values are rounded to three significant figures. Totals may not sum due to rounding.



EXHIBIT B-2 PROJECTED INCREMENTAL IMPACTS TO DEVELOPMENT, FORESTRY, AND MILITARY ACTIVITIES

(2012 - 2031, 2011 DOLLARS, THREE PERCENT DISCOUNT RATE)

UNIT/SUBUNIT	PRESENT VALUE IMPACTS			ANNUALIZED IMPACTS		
	SCENARIO 1	SCENARIO 2	SCENARIO 3	SCENARIO 1	SCENARIO 2	SCENARIO 3
1*	\$0	\$21,200,000	\$35,200,000	\$0	\$1,420,000	\$2,370,000
2a	\$4,000			\$269		
2b	\$4,000			\$269		
3	\$0			\$0		
4a	\$0			\$0		
4b	\$0			\$0		
5a	\$0			\$0		
5b	\$0			\$0		
6	\$0			\$0		
7	\$4,410			\$296		
8	\$0			\$0		
9	\$0			\$0		
10	\$8,760			\$589		
11	\$8,760			\$589		
12	\$8,760			\$589		
Total	\$38,700	\$21,200,000	\$35,300,000	\$2,600	\$1,420,000	\$2,370,000

Notes:

Values are rounded to three significant figures. Totals may not sum due to rounding.



^{*} This analysis employs three scenarios to estimate impacts of critical habitat designation on development in Unit 1 due to uncertainty regarding future land use and gopher frog conservation and recovery recommendations.



APPENDIX C | INCREMENTAL EFFECTS MEMORANDUM TO IEC



DATE: August 16, 2010

TO: Industrial Economics, Inc.

FROM: Southeast Region, U.S. Fish and Wildlife Service

SUBJECT: Incremental Effects Memorandum for the Economic Analysis of Proposed

Rule to Designate Critical Habitat for the Mississippi Gopher Frog

Designation Objectives: The proposed critical habitat units for the Mississippi gopher frog represent habitat-based distributions associated with known occurrence records for this species and with unoccupied habitat being restored to allow for eventual translocation of the species to these sites. The geographic distribution of the proposed critical habitat units was based on the current distribution of the species and on habitat selected as potential translocation sites after conducting surveys looking for additional populations. The 11 proposed critical habitat units were chosen based on physical and biological factors including: (1) protection of existing occupied habitat; (2) conservation of genetic diversity; (3) establishment of connectivity among multiple breeding ponds, when possible; (4) habitat sufficient to support population viability; and (5) existing threats.

Designation Summary: We are proposing to designate 11 critical habitat units including the entire habitat that was known to be occupied at the time of listing, habitat that was found to be occupied after the time of listing, and additional unoccupied habitat that is essential to the conservation of the species. The proposed critical habitat designation includes lands under Federal, State, and private ownership subject to different levels of recreational use, transportation projects, commercial timber harvest, agriculture, utility rights of way, and urban development projects.

Jeopardy Analysis: The jeopardy analysis is focused not only on these population relationships, but also on the habitat conditions that support them. The jeopardy analysis considers the range-wide status of the Mississippi gopher frog, the factors responsible for that condition, and the species' survival and recovery needs. It also characterizes the condition of the Mississippi gopher frog in the area affected by the proposed Federal action (i.e., the action area), and the survival and recovery role of the action area in the conservation of the Mississippi gopher frog at the level of the recovery unit and rangewide. That context is then used to determine the significance of adverse and beneficial effects of the proposed Federal action, and any cumulative effects for purposes of making the jeopardy determination. The jeopardy analysis also considers any conservation measures that may be proposed by a Federal Action agency to minimize or compensate for adverse project effects to the Mississippi gopher frog or to promote its recovery.

Adverse Modification Analysis: The key factor related to the adverse modification determination is whether, with implementation of the proposed Federal action, the affected critical habitat will continue to, or have the capability to serve its intended



conservation role for the species. This can be met by retaining or regaining the proper function of those physical and biological features of the habitat necessary to support the life cycle needs of the Mississippi gopher frog. Activities that may destroy or adversely modify critical habitat are those that would alter those physical and biological features to an extent that appreciably reduces the intended conservation function of the designated critical habitat at the range-wide scale.

Activities of Potential Concern: Activities that may result in adverse effects to Mississippi gopher frog critical habitat could include those that: (1) alter the hydrology or water quality of Mississippi gopher frog wetland habitats (e.g., discharge of fill material; release or dumping of toxic chemicals, silt, and/or biological pollutants; clear-cutting, draining, ditching, grading, or bedding of wetland; diversion or alteration of surface or ground water flow into or out of a wetland due to roads, fire breaks, impoundments, and/or discharge pipes; and use of vehicles within wetlands); (2) forestry management actions in pine habitat that would significantly alter the suitability of Mississippi gopher frog terrestrial habitat (e.g., conversion of timber land to another use; fire suppression; timber management including clear-cutting and/or site preparation involving ground disturbance; unlawful pesticide/herbicide use; road construction and maintenance; offroad vehicle use; power transmission line or pipeline construction/repair); and (3) actions that would significantly fragment and isolate Mississippi gopher frog wetland and upland habitats from each other (e.g., residential and commercial development, road construction, converting forested habitat to other uses). These types of activities would require section 7 consultation only in cases where there is Federal involvement (e.g., a project is proposed, funded, or authorized by a Federal agency).

Baseline Impacts

When consulting under section 7 in designated critical habitat, independent analyses are conducted for jeopardy to the species and adverse modification of critical habitat. In those portions of proposed critical habitat units where the species is physically present (Units 1, 3, 4, and 6; 156 hectares (ha) (385 acres (ac))), adverse modification of critical habitat would also constitute jeopardy because 1) the primary constituent elements that define critical habitat are also essential for the survival of the species, 2) the Mississippi gopher frog is severely limited in its range, and 3) numbers of individuals in the surviving populations are very small. We determine destruction or adverse modification of designated critical habitat on the basis of whether, with implementation of the proposed Federal action, the affected critical habitat would remain functional (or retain the current ability for the essential features to be functionally established) to serve its intended conservation role for the species. Jeopardy occurs when an action is reasonably expected, directly or indirectly, to diminish a species' numbers, reproduction, or distribution so that the likelihood of survival and recovery in the wild is appreciably reduced. The Mississippi gopher frog has been eliminated from seven of the nine counties or parishes in Mississippi, Alabama, and Louisiana where it occurred historically. It now inhabits only four sites in two counties in Mississippi. It is estimated that only approximately 100 adult Mississippi gopher frogs remain in the wild. Alterations of habitat that diminish the value of the habitat (ex., actions which alter hydrology or water quality of wetland breeding habitat; degrade upland forested habitat;



or fragment and/or isolate breeding and upland habitat from each other) and the amount of habitat available for the species would be likely to affect population size, reproduction, and recruitment of the Mississippi gopher frog, as well as further confine its limited range, and would therefore, appreciably reduce its likelihood of survival in the wild and constitute jeopardy. Thus, project modifications that may be needed to minimize impacts to the species would coincidentally minimize impacts to critical habitat.

Accordingly, in occupied critical habitat it is unlikely that an analysis would identify a difference between measures needed to avoid the destruction or adverse modification of critical habitat from measures needed to avoid jeopardizing the species. Absent reasonably foreseeable economic impacts that are distinctly attributable to the critical habitat portion of the analysis (such as those possible from designation of unoccupied habitat), economic impacts from conservation efforts that avoid adverse modification of critical habitat coincidental to avoiding jeopardizing the species would be coextensive with the impacts of Mississippi gopher frog listing and within the regulatory baseline.

In addition to economic impacts associated with conservation actions coincidental to Mississippi gopher frog listing, the baseline cost also includes the benefit to the Mississippi gopher frog from existing regulations that impose conservation requirements for other species (e.g., Clean Water Act, Endangered Species Act).

Incremental Impacts

For a new section 7 consultation in occupied areas, the jeopardy analysis and the adverse modification analysis would be analyzed separately. In cases where impacts are attributed to Federal actions within the unoccupied portions of proposed critical habitat (all or portions of Units 1 through 5, 7 through 11; 636 ha (1,572 ac)), we believe a reasonable method to determine their potential incremental economic impacts would be to assume that if they alter the physical and biological features to an extent that appreciably reduces the conservation value of critical habitat for the Mississippi gopher frog, the costs associated with conservation measures implemented to mitigate those impacts would be attributable to critical habitat designation alone.

All of Unit 3 (111 ha (274 ac)) is currently designated as critical habitat for the Mississippi sandhill crane. Activities that may adversely modify the crane's habitat in this area are likely to adversely modify habitat for and/or jeopardize the continued existence of the Mississippi gopher frog. However, there may be some activities, such as alterations of the frog's breeding ponds, which would not be considered adverse modification for the crane and could be attributable to Mississippi gopher frog critical habitat designation alone.

Also, in cases where we determine that an adverse modification finding may be likely, we work with the Federal agency involved to identify reasonable and prudent alternatives that would eliminate or reduce those impacts to a point where adverse modification is no longer likely. The resulting project modifications would appropriately be considered to be an incremental cost of the critical habitat designation. We estimate that adding an



adverse modification analysis to an analysis for jeopardy would result in an approximate 10 percent increase in administrative costs.





APPENDIX D | MAPS OF GOPHER FROG PROPOSED CRITICAL HABITAT



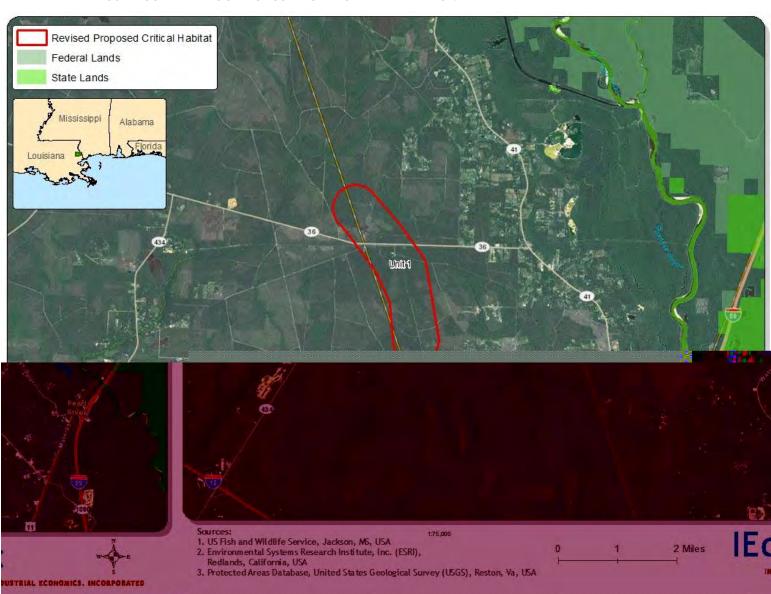


EXHIBIT D-1 DUSKY GOPHER FROG PROPOSED CRITICAL HABITAT - UNIT 1



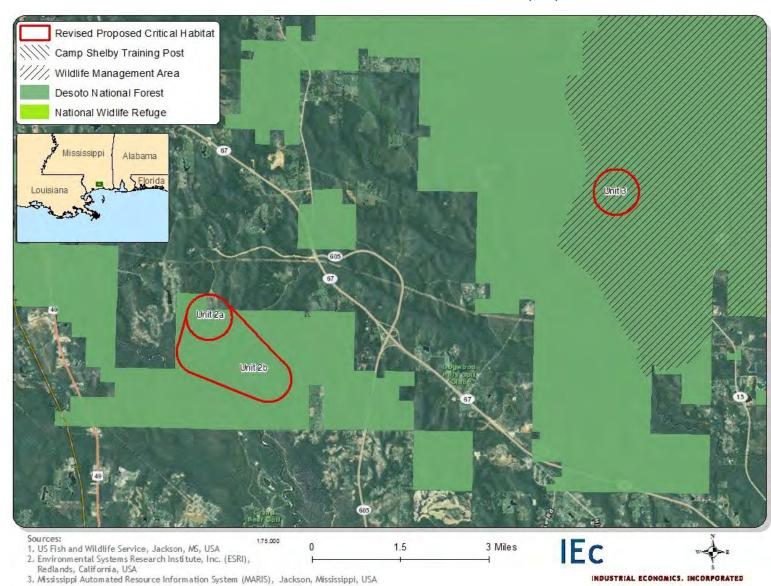


EXHIBIT D-2 DUSKY GOPHER FROG PROPOSED CRITICAL HABITAT - SUBUNITS 2A, 2B, AND UNIT 3



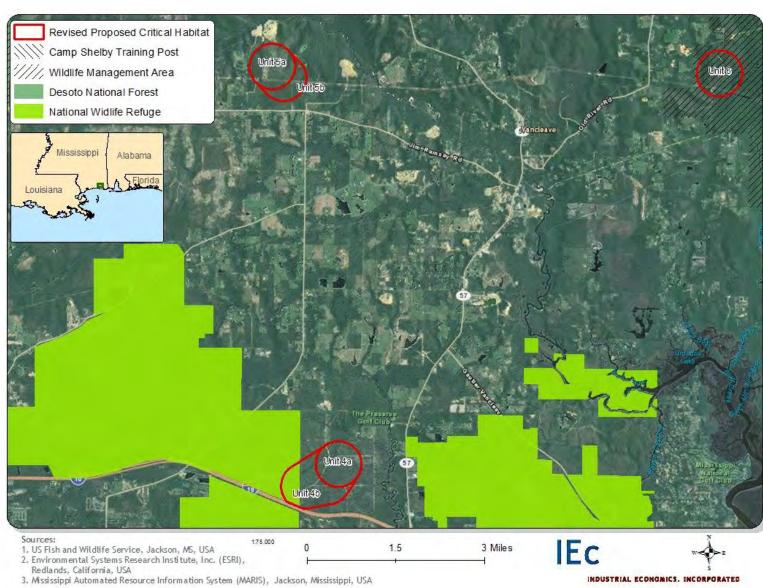


EXHIBIT D-3 DUSKY GOPHER FROG PROPOSED CRITICAL HABITAT - SUBUNITS 4A, 4B, 5A, 5B, AND UNIT 6



EXHIBIT D-4 DUSKY GOPHER FROG PROPOSED CRITICAL HABITAT - UNIT 7

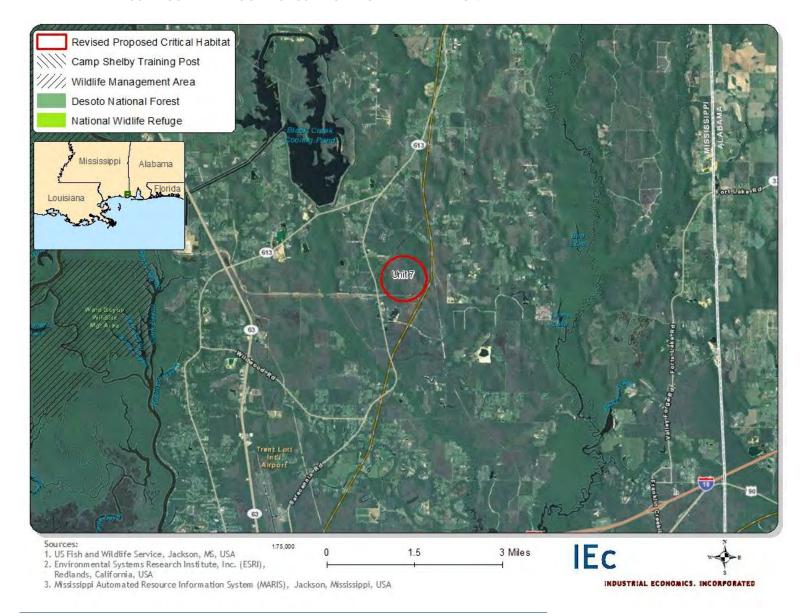




EXHIBIT D-5 DUSKY GOPHER FROG PROPOSED CRITICAL HABITAT - UNITS 8 AND 9

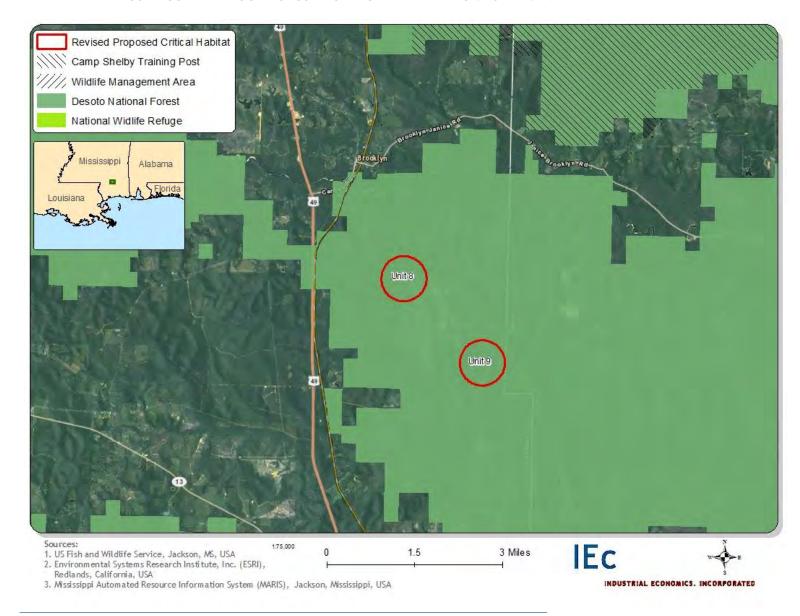
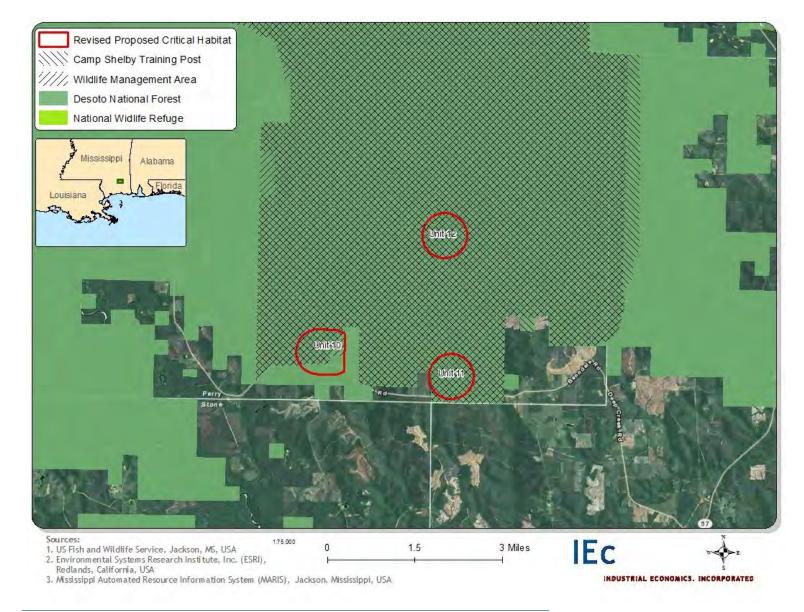


EXHIBIT D-6 DUSKY GOPHER FROG PROPOSED CRITICAL HABITAT - UNITS 10, 11, AND 12





From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: Ron Regan; Jen Mock Schaeffer

Subject: Fwd: Update on Departmental Reorganization

Date: Thursday, June 21, 2018 1:46:57 PM

Attachments: DOI email header.png

----- Forwarded message -----

From: **Interior**, **Secretary** < <u>secretary</u> of the interior@ios.doi.gov>

Date: Thu, Jun 21, 2018 at 1:09 PM

Subject: Update on Departmental Reorganization

To:



U.S. Department of the Interior

Interior Team,

In response to President Trump's March 13, 2017 Executive Order to reorganize the executive branch, I have worked with many of you over the past year on a plan to improve the efficiency, effectiveness, and accountability of the Department of the Interior by reorganizing certain Agency functions and Bureaus.

You have been an important part of the process; I appreciate all the feedback you have given to help reorganize DOI to be a better steward of the land and wildlife that we manage, and better meet the needs of the American people in the 21st century.

Today, President Trump reaffirmed our reform efforts when he announced a proposal to merge administrative responsibilities of other Agencies into DOI to improve the efficiency of the regulatory process.

First, under the proposal, the Department of Commerce's National Marine Fisheries Service would return to DOI and merge with the U.S. Fish and Wildlife Service. This would consolidate the administration of the Endangered Species Act and Marine Mammal Protection Act into one Agency within DOI. This merger would also combine the two Agencies' science and management capacity, resulting in more consistent Federal fisheries and wildlife policy and improved service to the public, particularly on infrastructure permitting.

Second, DOI would take on certain duties of the Army Corps of Engineers Civil Works, including flood and storm damage reduction, aquatic ecosystem restoration, and other regulatory activities. This realignment would allow for more rational public policy outcomes and better investments.

Third, some of DOI's environmental cleanup programs would be consolidated into the Environmental Protection Agency's Superfund program. This consolidation would reduce the number of decisions and approvals, eliminate policy inconsistency among Agencies, and expedite the cleanup of contaminated sites.

These proposed reforms underscore the Administration's commitment to put the American people first and hold the Government accountable. They align with our efforts at DOI to reduce



administrative redundancy and jurisdictional and organizational barriers to citizen service, share resources more effectively, improve coordination, and facilitate joint problem solving and effective decision making.

With your continued support, we will make DOI a more effective agency.

I am proud of the work you are doing. Thank you for the passion, dedication, and service you bring to your jobs each day. We will continue to engage with you all as we move forward. In addition, we will continue to communicate with Congress and various stakeholders who will play a part in making this reorganization a success.

If you have ideas or questions, please don't hesitate to share them by emailing reorg@doi.gov or visiting www.doi.gov/employees/reorg.

Sincerely, Secretary Zinke

For a signed copy of this memo, click here.

Visit doi.gov/employees for employee news, resources and events.

Please do not reply to this e-mail. This mailbox is not monitored.

--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Stephen Guertin
To: JenMock@fishwildlife.org
Subject: Fwd: Updated PowerPoint

Date: Thursday, April 25, 2019 9:01:47 AM

Attachments: <u>ATT00001.htm</u>

FY 2020 Budget Request PP Final 21Mar2019 v2.pptx

Sent from my iPhone

Begin forwarded message:

From: "Nolin, Chris" < chris_nolin@fws.gov>
Date: April 24, 2019 at 3:13:19 PM EDT

To: Stephen Guertin < stephen guertin@fws.gov >

Subject: Updated PowerPoint

Hi Steve,

Here is the updated powerpoint. I added the last two slides. Let me know what you think. Thanks.

--

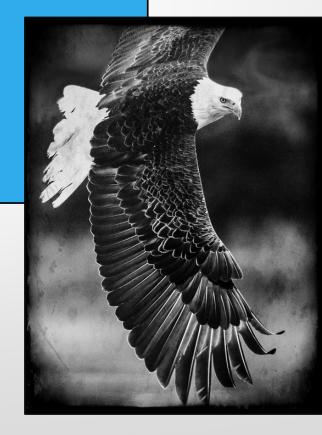
Chris Nolin
Chief, Budget and Performance
US Fish & Wildlife Service
703-358-2343 desk
240-305-0490 cell
U.S. Fish and Wildlife Service Headquarters
3W019
MS: JAO
5275 Leesburg Pike
Falls Church, VA 22041-3803





The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.

FY 2020 Budget Request







Total FY 2020 budget request for the FWS: \$2.8 billion

Key FWS Priorities:

- 1. Expand access to DOI lands for hunting and fishing;
- 2. Restore trust & be a good neighbor;
- Ensure Tribal sovereignty means something;
- 4. Increase revenues to support DOI and national interests;
- 5. Protect our people and the border;
- 6. Strike a regulatory balance;
- 7. Modernize our infrastructure; and
- 8. Reorganize DOI for the next 100 years.





Budget Authority	FY 2018 Actual	2019 Annualized CR	2020 Request	Change from 2019 (+/-)		
Discretionary Current Authority	1,594,646	1,594,646	1,363,904	-230,742		
Cancellation of Balances ¹			-36,332	-36,332		
TOTAL: Discretionary	1,594,646	1,594,646	1,327,572	-267,074		
Mandatory	1,460,587	1,363,537	1,484,770	+121,233		
Total \$\$\$	3,055,233	2,958,183	2,812,342	-145,841		
Discretionary	6,682	6,682	6,618	-64		
Mandatory	238	238	238	+0		
Transfers/Alloc.	1,509	1,509	1,514	+5		
TOTAL FTEs	8,429	8,429	8,370	-59		
¹ -\$31.008 million CESCF and -\$5.324 million Land Acquisition						



Expand Access to DOI Lands for Hunting and Fishing.

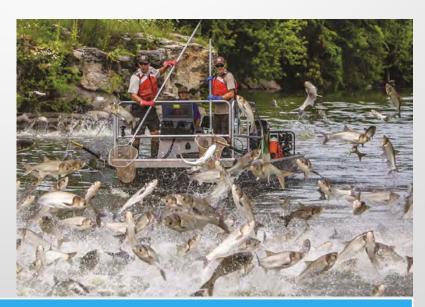
- 377 of 567 refuges are open to hunting and 312 are open to fishing as of 2018.
- Funding for the operation and maintenance of the National Wildlife Refuge System is requested at \$509.5 million.
- The request includes \$239.4 million for wildlife and habitat management; +\$8.5 million for a total of \$80.9 million for Visitor Services.
- +\$1 million to support the urban refuges program, which reaches out to residents in urban communities to encourage access to public lands, interest in wildlife-dependent recreation, and conservation.





Supporting Access to Recreational Fishing, Fisheries Conservation, and Preventing Aquatic Invasive Species

- \$56.4 million request for operation of National Fish Hatchery System.
- \$73.4 million for Aquatic Habitat and Species Conservation:
 - Includes \$7.8 m for Asian carp
 - \$14 million for fish passage
 - \$6.7 million for NFHP
 - +\$5 million for refuge invasive species





Expand Access to DOI Lands for Hunting and Fishing.

- Funding to support monitoring, cooperation with states, and migratory bird take permitting to support infrastructure and energy projects.
- 2.4 million migratory bird hunters generated \$2.3 billion in economic activity.
- The budget request also includes \$7.3 million for monitoring of waterfowl populations, which provides critical data for migratory bird hunting frameworks.





Ensuring that Regulatory Decisions are based on strong science and thorough analysis

Reduce administrative and regulatory burden through ESA Consultation and NEPA review to support economic growth by:

- Improving coordination with federal agencies, industry and other stakeholders for Planning and Consultation, and species Recovery activities.
- The budget proposes \$107.5 million to support environmental reviews, consultation services, and permitting that enables economic development and the creation of American jobs.
- \$1.4 million increase for ES planning & consultation.





Strike a regulatory balance

\$95 million in funding for the ES Recovery Program will be used to:

- Delist and downlist threatened and endangered species,
- Conduct 5-year species status reviews, and
- Commit to partnering with States.





Photos from U.S. Fish and Wildlife Service



Modernizing Our Infrastructure

Maintenance Funding				
	2018 Enacted		2019 Enacted	2020 Request
	(\$millions)			
Refuge Maintenance		140	140	146
Hatchery Maintenance		23	22	26
NCTC Maintenance		9	9	3
Total		172	171	175

- Addressing health and human safety deficiencies at existing facilities is the highest priority for maintenance funding.
- +\$6.1 million for Refuge maintenance and +\$2.9 million for hatchery maintenance.



Photo credit: USFWS



Protecting Our People and the Border



Photo credit: USFWS

- Providing safe and secure Refuges;
- Helping to enforce U.S. laws on refuges along the border; and
- Reducing illegal wildlife trafficking.

NWRS Law Enforcement: \$43.2 million - +\$5.1 million Law Enforcement: \$77.2 million



Protecting Our People and the Border

- Program continues efforts to combat wildlife trafficking and drive down demand for products from CITES-listed plants and animals.
- Provides technical and financial assistance for innovative projects that address

wildlife poaching and trafficking.

The request includes:

- \$8.7 million for International Conservation, +\$1 million.
- \$7.9 million for International Wildlife Trade



Photo credit Maria Diekmann

International Affairs: \$16.6 million

DOI-18-0951-A-000184



Reorganize DOI for the next 100 years.

- The Service is in its second year of consolidating administrative services, and changes are proposed to the funding structure to provide the new Management and Administration program a defined funding source.
- In FY 2018, the Service initiated a plan to consolidate some Central Office Operations to more efficiently provide needed administrative functions.
- In 2019, the Service consolidated administrative functions into one organization.
- The new organization, under the Assistant Director for Management and Administration, fulfills the Service's needs for human resources, contracting, finance, safety, and general services at a reduced cost to the American taxpayer.

Careers in Conservation



General Operations: \$ 140.9 million

FWS 2020 Budget Request Major Increases from 2019

Increase	Amount
	(thousands)
Consultation	\$1,470
Recovery	\$11,000
Partners	\$5,400
Refuge Invasives	\$5,000
Urban Refuges	\$1,000
Visitor Services	\$8,536
Refuge LE	\$5,141
Refuge Maintenance	\$6,154
IA - Wildlife Trafficking	\$1,084
LE - Wildlife Trafficking	\$986
Hatchery Operations	\$2,443
Hatchery Maintenance	\$2,926

FWS 2020 Budget Request Items of Interest to States

	2019 Enacted	2020 PB	
Partners for F&W	\$51,663	\$54,417	
CESCF	\$53,496	\$0	
NAWCA	\$42,000	\$40,000	
SWTG	\$64,571	\$31,286	



gregory sheehan@fivs.gov
jas@mf.com: casey, hammond@ios.dol.gov; ryany@fb.org
lois. wellman@fivs.gov; Thomas.inv.n@fivs.gov
Invitation: FWS/Na11 Endangered Species act Reform Coalition (ESARC)... @ Mon Jul 17, 2017 1pm - 1:30pm (thomas_invin@fivs.gov)

more details » chttps://www.google.com/calendar/event?
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greg | sheehan@fws.gov gloria bel@fws.gov; edward grace@fws.gov; aeric_alvarez@fws.gov; jgalvin@ke.leydrye.com

olea@los.doi.gov Invitation: HOLD: Meeting (Greg, Ed Grace, Eric Alvarez, Gloria Bell ... @ Mon Mar 19, 2018 11am - 11:30am (EDT) (edward_grace@fws.gov)

Attachments:

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HOLD. Meeting (Greg. El Grace, Eric Alvarez, Gloria Bell and Joan Galvin) to discuss import/export matters - Rm 3558

The meeting is mainly an introductory one to familiarize Mr. Shechan with the stakeholders we represent in the pet trade and Widlife sectors, but also to discuss some challenges we are experiencing in the southeast region impacting importation, the application of the previous administration's Director's rule on wildlife trafficing and related matters correctness issues.

The meeting attendees will be me (Kelley Drye & Warren) and Shaun Gehan (Gehan Law)

Let me know if you need any additional information and many thanks for your help in setting this up.

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Greg.

Todd Willens suggested I reach out and introduce myself. My firm and I represent a variety of clients with interests before USFWS - including public display, pet trade, trappers and others who work with listed species

I was hoping to arrange a meeting for one of my colleagues and I to come in and both introduce ourselves and our constituencies but also to talk about a few current / pending matters involving import / export matters

Many thanks!

Joan Galvin

Joan Galvin [Government Relations Advisor
Kelley Dye & Warren LLP
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From: To: Cc: Subject: Attachments:

greg __sheehan@fws.gov;
gloria bell@fws.gov; aeric alvarez@fws.gov; edward_grace@fws.gov; Jgabtin@kelleydrye.com
olea@fws.do.gov;
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Tom Gabrin Government Relations Advisor
Kalles Dros & Warmen LLP
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greg j sheehan@fws.gov gloria_bell@fws.gov; jgalvin@kelleydrye.com; edward_grace@fws.gov; aeric_alvarez@fws.gov

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Joun Calvin | Government Relations Advisor
Kelley Drys & Warren LLP

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HOLD: Meeting (Greg, Ed Grace, Eric Alvarez, Gloria Bell and Joan Galvin) to discuss importiexport matters - Rm 3558

The meeting is mainly an introductory one to familiarize Mr. Sheehan with the stakeholders we represent in the pet trade and Widlife sectors, but also to discuss some challenges we are experiencing in the southeast region impacting importation, the application of the previous administration's Director's rule on widlife trafficking and related matters enforcement issues.

The meeting attendees will be me (Kelley Drye & Warren) and Shaun Gehan (Gehan Law)

Let me know if you need any additional information and many thanks for your help in setting this up.

Todd Willens suggested I reach out and introduce myself. My firm and I represent a variety of clients with interests before USFWS - including public display, pet trade, trappers and others who work with listed species

I was hoping to arrange a meeting for one of my colleagues and I to come in and both introduce ourselves and our constituencies but also to talk about a few current / pending matters involving import / export matters.

Would it be best to work out possible times with your scheduler?

Joan Galvin

Sent from my iPhone

Joan Galvin (Government Relations Advisor
Relist Days & Warren LLP
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Meeting (FWS and the Nat Wildlife Federation) to discuss red wolf recovery - Rm 3038

NWF would appreciate a few minutes of Mr. Sheebanx sine to share some thoughts with him - and of course whoever else you recommend - in advance of the upcoming release of the red wolf EA and plan.

Our state patter the North Carolina Wildlife Federation is doing a for dow to know bould local support for red wolf recovery - addressing one of the ciriques by FWS in the 5 year status review. They are letting us know that there is some good progress on the ground rebuilding trust with local landowners. We think there is an opportunity here for this Administration to demonstrate success, incentivize private landowners, and hopefully end up with a win rather than the loss of a unique species. We'd like to explain our thinking on this opportunity in more detail.

We'd also like to expense our support for the Service's researced fort to delist works in the Great Ladowners. Sometime over the next week or two would be ideal. FYI Greg knows me at least somewhat from events around town including birdwatching.

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Mike Lealy
See, Manager, Public Lands & Sportsmen Policy
National Wildlife Federation
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Auction (FWS and the Nat I Widdlife Federation) to discuss red wolf recovery. Pan 308
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Mike Lealy
Mike Lealy
National Widdlife Federation.

National Widdlife Federation.

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Mike Lealy, Public Lands & Sportsmen Policy

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Invitation: Meeting (FWS and the Nat"l Wildlife Federation) to discus...@ Tue Jun 26, 2018 11:30am - 12pm (EDT) (leahym@nwf.org)

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NFW would appreciate a few minutes of Mr. Sheehan's time to share some good progress on the ground rebuilding trust with local landowners.

We'd also like to explain our thinking on this opportunity in more detail.

We'd also like to explain our thinking on this opportunity in more detail.

Sometime over the next week or two would be ideal. PTG of knows me at least somewhat from events around town including birdwatching.

Mike Lealy

S. Manager, Public Lands & Sportsmen Policy

National Wildlife Federation

200 G Street Ny, Suite 900 | Washington, DC 20005

202-377-8256

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Uniting all Americans to ensure wildlife thrive in a rapidly changing world

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Meeting (FWS and the Natl Wildlife Federation) to discuss red wolf recovery - Rm 3038
NWF would appreciate a few minutes of Mr. Sheehan's time to share some thoughts with him - and of course whoever else you recommend - in advance of the upcoming release of the red wolf EA and plan.

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Our state partner the North Carolina Whidthe Pederation is doing a tot or work to found poles support up rea won rea wont recovery—autocompa we on a company on the control of the pole of

Sometime over the next week or two would be ideal. FY Thank you, Mike Leahy Sr. Manager. Public Lands & Sportsmen Policy National Wildlife Federation 1200 G Street NW, Suite 900 | Washington, DC 20005 202-797-6826

www.nwf.org/sportsmenhttps://www.google.com/url?q https://www.google.com/url?q https://www.nwf.org%2Fsportsmen&sa D&ust 1529513954268000&usg AFQjCNGFvSNSMwJMvdvOpNW2uYA3Jug_iw>Uniting all Americans to ensure wildlife thrive in a rapidly changing world

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greg.] sheehan@fws.gov;
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Invitation: Meeting (FWS and the Nat1 Wildlife Federation) to discus... @ Tue Jun 26, 2018 11:30am - 12pm (EDT) (olea@ios.doi.gov)

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Meeting (FWS and the Nart Wildlife Federation) to discuss red wolf recovery - Rm 3038

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Our state partner the North Carolina Wildlife Federation is doing a lot of work to build local support for red wolf recovery - addressing one of the critiques by FWS in the 5 year status review. They are letting us know that there is some good progress on the ground rebuilding trust with local landowners. Indowners.

We think later is an opportunity here for this Administration to demonstrate success, incentivize, private landowners, and hopefully end up with a win rather than the loss of a unique species. We'd like to explain our thinking on this opportunity in more detail.

Sometimes when the Service's renewed effort to delist workers in the Great Lakes.
Sometimes when the two would be ideal. PYI Greg knows me at least somewhat from events around town including birdwatching.

Thank you.

Mike Lealy
See Manager, Public Lands & Sportsmen Policy
National Wildlife Federation
1200 G Street Ny, Suite 900 [Washington, DC 20005
200-379-8826

202-797-6826

www.nwf.org/sportsmen-chtps://www.google.com/url?q http%3A%2F%2Fwww.nwf.org%2Fsportsmen&sa D&ust 1529513954313000&usg AFQjCNHW0A-ar543whfJwxYHCUZfSbjcvQ>Uniting all Americans to ensure wildlife thrive in a rapidly changing world

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From: To: Subject: Attachments:

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Meeting (Greg and Amos Eno) on Lpc prairie chicken and other esa issues - Rm 3358
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greg _ Sheehan@fws.gov anno@landcan.org plase@cs.doi.gov Invitation: Meeting (Greg and Amos.Eno) on Lpc pra rie chicken and o... @ Fri May 11, 2018 1pm - 1:30pm (EDT) (olea@ os.dol.gov)

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From: To: Subject:

To: aano@resourcesfirstfoundation.org
Subject: Invitation: Meeting (Greg and Amos Eno) on ESA & LandCAN - Rm 3358 @ Fri Jun 23, 2017 11am - 11:30am (EDT) (aeno@resourcesfirstfoundation.org)
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greg | sheehan@fws.gov tmale@policyinnovation.org | Invitation: Meeting (Greg and Tim Male) to discuss ESA policy reform ... @ Tue Oct 10, 2017 3:30pm - 4:15pm (EDT) (tmale@policyinnovation.org) | nv te ics

Meeting (Greg and Tim Male) to discuss ESA policy reform ideas - Rm 3358
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On Wed, Sep 20, 2017 at 1:38 PM, Timothy Male wrote: Hi Greg,

I wanted to see if you would have time to meet next week or the week after, for about 45 minutes to discuss a handful of ESA policy reform ideas that I think could be helpful to you. I'm pretty flexible on any of the days during that window.

Also, I wanted to share the new report that Michael Bean did for the Innovation Center and Sand County Foundation (linked here https://www.linkedin.com/pulse/wildlife-conflict-drives-media-traffic-new-policies-have-timothy-male/s-/Feksa Doctoral 28wag AFQ(CNE1EB7Q-wMC-FoMMLDZ/B1A8kE0/IA>). It's basically a review of the various tools (HCPs, Safe Harbor, Candidate Conservation, the Section 7 assurance approach used for sage grouse, etc.) that attempts to explain each in fairly simple ways and comment on their use and opposits for improvements.

Tim

Timothy Male, Executive Director Environmental Policy Innovation Center (e): timale@policyinnovation.org <mailto:tmale@policyinnovation.org> (c): (240) 274-0341

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To: Subject: Attachments:

greg_j_sheehan@fws.gov aeno@resourcesfirsifoundation.org: aeno@landcan.org Invitation: Meeting (Greg Sheehan and Amos Eno) to discuss partners p... @ Thu Nov 30, 2017 10am - 10:30am (EST) (aeno@landcan.org)

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Meeting (Greg Shechan and Amos Eno) to discuss partners program, ESA and LWCF - Rm 3358
When The Nov 30, 2017 10am – 10:30am Eastern Time
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Who s rgc_j _shechanf 6vs_gov - organizer

- thomas_jrvin@fvs_gov - cerator

- aeno@fesourceefinfundation.org

- aeno@fesourceefinfundation.org

* acroid landcan.org

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From: greg_i_sheehan@fivs.gov
To: ann@resourcesfirsfoundation.org: aeno@landcan.org
Subject: Invitation: Neet ng (Greg Sheehan and Amos Eno) to discuss partners p... @ Thu Nov 30, 2017 10am - 10:30am (EST) (aeno@resourcesf rstfoundation.org)
Attachments: prille_cs

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When Thu Nov 30, 2017 (Bun – 10:30nm Eastern Time
Video call Interpt./juls.google.com/hampouts/_doi.gov/greg-j-sheehan/hceid Z3IZI9qX3NoZWVoYW5AZndzLmdvdg.351b6km9dsqefrkour?at8v3k6Calendar aeno@resourcesfrisofmodation.org
Who - greg_j-sheehan/fivs.gov_creator

- aeno@resourcesfrisofmodation.org

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greg j sheehan@fws.gov:
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Invitation: Meeting (Greg Sheehan and Independent Petroleum Associati...@ Thu Apr 26, 2018 3:30pm - 4pm (EDT) (gina_shultz@fws.gov)

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Meeting (Greg Sheehan and Independent Petroleum Association of America) on MBTA and Mitigation - Rm 3038.
On Thu, Mar 22, 2018 at 11:03 AM, Samantha McDonald <SMcDonald@ipaa.org <mailto:SMcDonald@ipaa.org >> wrote:
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Chris Jensen, BP
Spencer Kimball, EOG Resources
Tripp Parks, Western Energy Alliance (fellow allied trade)
Dan Nauzi, IPAA
*Samanuha McDonald, IPAA

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org> 202-857-4702 Day of Contact: Sam McDonald (cell) (6)

Thanks in advance for the consideration of this request.

Best,

Samantia McDonald
Director of Government Relations
Independent Petroleum Association of America
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Tripp Parks, Western Energy Alliance (fellow allied trade)
Dan Natar, IPAA
*Samantha McDonald, IPAA

Subjects: 1. MBTA 2. Mitigation

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org> 202-857-4702 Day of Contact: Sam McDonald (cell)

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Best.

Sam

Samantha McDonald
Director of Government Relations
Independent Perotion Association of America
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greg j sheshan@fws.gov
mike j johnson@fws.gov; jerome ford@fws.gov; Gina Shultz@fws.gov; smcdonald@paa.org; gary_frazer@fws.gov
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*Sumantha McDonald, IPAA

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org> 202-857-4702 Day of Contact: Sam McDonald (cell) (6)

Best,

Sam

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Meeting (Greg Sheehan and Independent Petroleum Association of America) on MBTA and Mitigation - Rm 3038
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Spencer Kimball, EOG Resources
Tripp Parks, Western Energy Alliance (fellow allied trade)
Dan Nastz, IPAA
*Sumantha McDonald, IPAA

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org> 202-857-4702 Day of Contact: Sam McDonald (cell) (6)

Best,

Sam

Samanha McDonald
Director of Government Relations
Independent Proteinent Association of America
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Subjects: 1. MBTA 2. Mitigation

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org> 202-857-4702 Day of Contact: Sam McDonald (cell) (6) (6)

Thanks in advance for the consideration of this request.

Best,

Sam

Samantha McDonald
Director of Government Relations
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"Samantha McDonald, IPAA

*Scheduling Contact: Sam McDonald smcdonald@ip Day of Contact: Sam McDonald (cell) paa.org <mailto:smcdonald@ipaa.org> 202-857-4702

Sam

Samantha McDonald
Director of Government Relations
Director of Government Relations
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Subjects: 1. MBTA 2. Mitigation

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org> 202-857-4702 Day of Contact: Sam McDonald (cell)

Thanks in advance for the consideration of this request.

Best,

Sam

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Director of Government Relations
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Director of Government Relations
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Independent Performation Association of America
(202)9573-7122. Visit IPAA - https://www.google.com/url?q https%3A%2P%2Fwww.ipaa.org%2F&sa D&ust 1522077954552000&usg AFQ/CNFjKZIgAB_2NqFImW4ipGVAoQ1wSg> / Visit ESA Watch https://www.google.com/url?q
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Meeting (Greg Sheehan, Gary Frazer and Members of the Western Energy Alliance) - Rm 3038

On Mon, Apr 2, 2018 at 3:28 PM, Benjamin Willmore (6) (6) outlook.com <mailto (6) (6)

Members of the Western Energy Alliance (WEA)—the Denver based regional trade association for the oil and gas industry—will be in town April 23rd through 25th and would like to organize a meeting with Deputy Director Sheehan to discuss the following issues

- Mitigation
 Section 7 consultations in the context of NEPA reform
 ESA petition process
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 Succession Chicken

- * Randy Bolles (Devon Energy)

 Bill (Zadman (Whiting)

 Rich Former (Great Western O&G)

 Wish Jenkins (Upstream Petroleum Management)

 Jeff Lang (BP Energy)

 C Lityton Miller (NP Energy Services)

 C Misyton Miller (NP Energy Services)

 Fam Rooft (EOG Resources)

 Pam Rooft (EOG Resources)

 C Reg Schung (M Energy)

 And other WEA staff Md.

Please get back to me as soon as you can. Thank you so much for your time, and I look forward to hearing from you

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Meeting (Greg Sheehan, Gary Frazer and Members of the Western Energy Alliance) - Rm 3038

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 Jeff Lang (BIP Energy)
 Clayton Miller (NP Energy Services)
 Kim Rodel (Upstream Petroleum Management)
 Pann Roth (EOG Resources)

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Meeting (Greg Shechan, Gary Frazer and Members of the Western Energy Alliance) - Rm 3038
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Beejamin N. Willinnere
(001) 653-7411

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 Kim Rodell (Upstream Petroleum Management)
 Pam Roth (EOG Resources)
 Greg Scharp (SM Energy)
 And other WEA staff (bd.

Best,

Benjamin N. Willmore

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 * Tim Stewart (WEA DC Representative)

 * And other WEA staff Md.

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Benjamin N. Willmore (801)-652-7441

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 * And other WEA S auf Th M.

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Meeting (Greg Sheehan, Gary Frazer, Bathrar Waimman and Endangered Species Coalition) - Rm 3358
On Thu, Jan 4, 2018 at 408 FM, Corry Westbrook wrote:
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I hope you are doing well on this freezing cold day!
I hose attached the meeting request we briefly discussed yesterday.
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Endown of any of the days/times works for Mr. Sheehan.
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Thanks Corry Westbrook
Senior Grassroots and Policy Advisor
Endangered Species Coalition
cwestbrook@endangered.org</br>
- 202-841-6571

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Meeting (Urgs Schedun, Gay Frazer, Barbara Wiamma and Endangered Species Coalition) - Rm 3358
On Thu, Jan 4, 2018 at 4.08 PM, Corry Westbrook wrote:
H Roslyn,
I hope you are doing well on this freezing cold days.
I have attached the meeting request we briefly discussed yesterday.
Please let me know if any of the days/times works for Mr. Shechan.
Corry Westbrook
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Endangered Species Coalition
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Macting Circ Behan, Gary Frazer, Barbara Wainman and Endangered Species Coalition) - Rm 3358
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Torry Westbrook
Senior Grassroots and Policy Advisor
Endangered Species Coalition
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202-841-6371

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Attachments ESC memo on ESA of 1-4-18 pdf https://drive.google.com/a/fws.gov/file/d/1_6QKYrSdF8pnIoa2Yb6_CelbJRaFfPd3/view?usp drive_web>

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Endangered Species Coalition
cwestbrook @endangered.org <mailto:cwestbrook@endangered.org>
202-841-6371

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greg _i_sheehan@fvs_gov cwestbrock@endangered.org Invitation: Weeting (Greg Sheehan, Gary Frazer, Barbara Wainman and E... @ Thu Jan 18, 2018 10am - 11am (cwestbrock@endangered.org)

Meeting (Greg Sheehan, Gary Frazer, Barbara Waimman and Endangered Species Coalition) - Rm 3338
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Thanks:
CORY Westbrook
Senior Grassroots and Policy Advisor
Endangered Species Coalition
cwestbrook@endangered.org.-mailto:cwestbrook@endangered.org202-244 (457)

When Thu Jan 18, 2018 10am – 11am Eastern Time
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greg | sheehan@fvs.gov jerome ford@fvs.gov: shelmer@abcbirds.org defores. bibtyefvs.gov Invitation: Meeting (Greg Sheehan, Jerome Ford and Steve Holmer) to d... @ Thu Feb 8, 2018 1pm - 1:30pm (EST) (jerome_ford@fvs.gov)

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Recting (Greg Sheeban, Jerone Food and Steve Holmer) to discuss Migratory Bird Conservation and Mitigation - Rm 3358

Dear Acting Director Sheeban.

American Bird Conservancy is an on-partisan conservation group whose mission is to conserve birds and their habitast throughout the Americans. We value our partnership with the U.S. Fish and Wildlife Service. We would like to request a meeting to discuss conservation of migratory birds, and several recent policy developments regarding the Migratory Bird Teary Act and mitigation that have nised concerns.

We are in disagreement with the recent Solicitor's Opinion anorwing application of the Migratory Bird Teary Act. American Bird Conservancy petitioned the U.S. Fish and Wildlife Service in 2011 and again in 2015 to encourage development of a permitting system, combined with application of an effective the migratory bird Teary Act. American Bird Conservancy petitioned the U.S. Fish and Wildlife Service in 2011 and again in 2015 to encourage development of a permitting system, combined with application of an effective the migratory that the conservation with development of public lands, and provide necessary resources to compensate for losses of wildlife or other irreplaceable values. We are therefore concerned about potential revision or a handonment of existing mitigation policies. Our comment letter to the Service is attached.

Please contact me at solutine #Bachbirds.org < cmildion-birds.org < 202 S88 7490 to respond to this request. Thank you.

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Steve Holmer
Vice President of Policy
American Bird Conservancy &
Director, Bird Conservation Alliance
202-888-7490
sholmer@abcbirds.org</ri>

When Thu Feb 8, 2018 1pm -1:30pm Eastern Time
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Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More -chttps://support.google.com/calendar/answer/37135#forwarding>.



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Meeting (Greg Shechan, Jerome Ford and Steve Holmer) to discuss Migratory Bird Conservation and Mirigation - Rm 3338

Dear Acting Director Shechan,
American Bird Conservancy is an on-partisan conservation group whose mission is to conserve birds and their habitats throughout the Americas. We value our partnership with the U.S. Fish and Wildlife Service. We would like to request a meeting to discuss conservation of migratory birds, and several recent policy developments regarding the Migratory Bird Teray Act and mitigation that have raised concerns.

We are in disagreement with the recent oblicator's Opinion anarowing application on the Migratory Bird Teray Act. American Bird Conservancy petitioned the U.S. Fish and Wildlife Service in 2011 and again in 2015 to encourage development of a permitting system similar to those in place for Bald and Golden Eagles, and species listed under the Enduagered Species Act. Our petition to the Service is attached.

We believe such a permitting system, combined with application of an effective the migratory strategy, can effectively balance conservation with development of public lands, and provide necessary resources to compensate for losses of wildlife or other irreplaceable values. We are therefore concerned about potential revision or administration of americancy can effectively balance conservation with development of public lands, and provide necessary resources to compensate for losses of wildlife or other irreplaceable values. We are therefore concerned about potential revision or administration of a melfective development of public lands, and provide necessary resources to compensate for losses of wildlife or other irreplaceable values. We are therefore concerned about potential revision or administration of a melfective of the proposed of the reception of the proposed of t

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Our attendance is optional.

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metion (Figs Shechan, Jerome Ford and Steve Holmer) to discuss Migratory Bird Conservation and Mitigation - Rm 3558

Meeting (Greg Shechan, Jerome Ford and Steve Holmer) to discuss Migratory Bird Conservation and Mitigation - Rm 3558

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Sincerely,

Steve Holmer

Vice President of Policy
American Bird Conservation Alliance
202 2288-7490 to Conservation Alliance
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Sincerely, Bird Conservation Alliance
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greg _] sheehan@fws.gov jerome Ford@fws.gov; sholmer@abcbirds.org olea@los.doi.gov; delores.bigby@fws.gov Invitation. Meet ng (Greg Sheehan, Jerome Ford and Steve Holmer) to d... @ Thu Feb 8, 2018 1pm - 1:30pm (EST) (olea@los.doi.gov)

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Meeting (Greg Sheehan, Jerome Ford and Steve Holmer) to discuss Migratory Bird Conservation and Mitigation - Rm 3358

Dear Acting Director Sheehan,
American Bird Conservancy, is a non-partiann conservation group whose mission is to conserve hirds and their habitants throughout the American Bird Conservancy per and their partial conservancy per and their

Vice President of Policy
American Bird Conservancy &
Director, Bird Conservation Alliance
202-888-7490
sholmer@abcbirds.org <mailto:sholmer@abcbirds.org>

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Invitation: Meeting (Steve and Scott Jones, CEO Forest Landowners Ass... @ Tue Jan 16, 2018 10am - 10:30am (gay_frazer@fws.gov)

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Regards,
Melinda Gable
Forest Landowners Association
Vice President
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To: Cc: Subject:

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mgable@forestlandowners.com
gay. frazer@fws.gov; obs we Iman@fws.gov; greg_j_sheehan@fws.gov
Invitation: Meeting (Steve and Scott Jones, CEO Forest Landowners Ass... @ Tue Jan 16, 2018 10am - 10:30am (lois_wellman@fws.gov)

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Meeting (Steve and Scott Jones, CEO Forest Landowners Association) on ESA and listing process - Rm 3357
On Fit, Jan 5, 2018 at 12-42 PM, mgable@forestlandowners.com-cmailtocmgable@forestlandowners.com-wrote:
Hi Stephen.
Lam with the Forest Landowners Association whose members are comprised of the largest private and family timber owners in the US. Many of whom have been impacted by the ESA and recent Al-Risk Species listings. For the past several years we have worked with Doug Krofta out of the Division of Conservation and Classification in Artiflogingon and with Region of Word eveloping better partnerships and understanding of how the listing process and determinations impact forest landowners. Scott Jones, FLA CEO will be in town on Tuesday, January 16th and we wanted to see if you were available for a meeting for us to further introduce FLA and discuss the ESA and listing process.

Regards,
Melhad, Gable
Forest Landowners Association
Vice President
202-302-4794
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stephen_guertin@fvs.gov mgable@forestlandowners.com greg_j_sheehan@fvs.gov; los_wellman@fvs.gov; gary_frazer@fvs.gov Invitat on: Meeting (Steve and Scott Jones, CEO Forest Landowners Ass...@ Tue Jan 16, 2018 10am - 10:30am (greg_j_sheehan@fvs.gov)

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greg | sheehan@fws.gov garv frazer@fws gov: olea@fos.dol.gov: timothy_willams@os.dol.gov: robertcl@lacksoncounty.org Invitation: Meeting re: Delisting Wolves in Oregon (Greg Sheehan, Gar... @ Mon Mar 5, 2018 11am - 11:30am (EST) (robertcl@jacksoncounty.org) India.ks

On Fri, Jan 26, 2018 at 3:08 PM, Colleen Roberts < RobertCL@jacksoncounty.org < mailto:RobertCL@jacksoncounty.org >> wrote:

I am visiting Washington DC in March and would very much appreciate an opportunity to meet with Director Sheehan while I am there regarding our request to federally delist wolves in oregon. I will be available March 3-6.

Thank you so much for considering my request.

Jackson county commissioner

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Meeting re: Delisting Wolves in Oregon (Greg Sheehan, Gary Frazer, Timothy Williams-DOI External Affairs & Colleen Roberts-Jackson County (Oregon) Commissioner) - Rm 3358-MIB On Fri, Jan 26, 2018 at 3:08 PM, Colleen Roberts - RobertCL@jacksoncounty.org - mailto:RobertCL@jacksoncounty.org> > wrote:

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Thank you so much for considering my request.

Sacts from my the most county commissioner.

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tashyan_patel@fws.gov; Arm 3038 @ Wed May 9, 2018 3:30pm; 4:30pm (EDT) (solson@aza.org) To: Cc: Subject:

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Meeting with AZA - Rm 3038

Subjects
USFWS ESA Reintroduction/Captive Propagation activities with AZA (black-footed ferrets, California condor, red wolves...)

CITES Conference of the Parties 2019
AZA wildlife trafficking initiatives
AZA-USFWS Colloborative efforts to streamline the ESA/CITES permit process (blanket permits, AZA SAFE (Saving Animals from Extinction) Program)

On Tue, Apr 10, 2018 at 3:06 PM, Steve Olson <SOlson@aza.org <mailto:SOlson@aza.org>> wrote:

Thanks Roslyn—I would envision this meeting being an opportunity for us to discuss with Greg some of the collaborative opportunities that have existed between USFWS and AZA and the potential to partner with the Service going forward. We would send Greg a list of possible discussion items well in advance of the meeting for his review.

Steve

On Tue, Apr 10, 2018 at 2:51 PM, Steve Olson <SOlson@aza.org <mailto:SOlson@aza.org> > wrote

Hello Roslyn...hope you are doing well. I am interested in setting up a meeting with Greg and Dan and a small group of AZA staff in the near future. We have some time in the morning of April 23rd, the afternoon of April 24th to meet for an hour down at Interior. If those don't work, we could look to early May.

Many thanks,

Steve Olson Senior Vice President, Government Affairs

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Association of Zoos & Aquairums
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Meeting with AZA - Rm 3038

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CITES Conference of the Parties. 2019

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Chris Kearney of The Ferguson Group stopped by, He will be in the building this Wed., and Thu. He wants to update you on ESA and Klamath issues.
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Meeting: (Greg Sheehan, Jerome Ford & AWEA) re: Eagle permitting under the Bald and Golden Eagle Protection Act (BGEPA), ESA and bats-Room 3038

Michael Speerschneider (AWEA) Gene Grace (AWEA) Tom Vinson (AWEA) Colin Hayes (LotSixteen) Tim Hayes (Duke) Sam Enfield (Map) Walter Stone (NRG)

Basic Agenda:

1) Eagle General Permit

a. AWEA program outline

b. Next steps - FWS, AWEA

2) General update on ESA and bats

POC: Michael Speenschneider
Senior Director, Permitting Policy and
Environmental Affay: Association (AWEA)
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Meeting: (Greg Sheehan, Jerome Ford & AWEA) re: Eagle permitting under the Bald and Golden Eagle Protection Act (BGEPA), ESA and bats-Room 3038

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POC: Michael Speerschneider
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Meeting: (Greg Sheehan, Jerome Ford & AWEA) re: Eagle permitting under the Bald and Golden Eagle Protection Act (BGEPA), ESA and bats-Room 3038

Michael Speerschneider (A Gene Grace (AWEA) Tom Vinson (AWEA) Colin Hayes (LotSixteen) Tim Hayes (Duke) Sam Enfield (Map) Walter Stone (NRG)

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POC: Michael Speerschneider
Senior Director, Permitting Policy and
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American Wind Energy Association (AWEA)
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To: Subject:

aeno@landcan.org
Invitation: Meeting: Greg Sheehan/Amos Eno re: Briefing Deputy Secret... @ Tue Jan 16, 2018 4pm - 4:30pm (aeno@landcan.org)

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Meeting: Greg Sheehan/Amos Eao re: Briefing Deputy Secretary on ESA, Partners, NRCS, REPI, etc). Rm 3358
Subjects: Brief to Dep Sec (ESA, Partners, NRCS, REPI etc).
—Forwarded message
—From: Amos Eao
Date: Thu, Jan 11, 2018 at 8:25 AM
Subject: meet Sheehan 16-18 Jan
To rody)n ethan; Thomas Forin

Ros Thomas
Can you fit me in to see Greg next week? My flight gets into DC 2pm on 16th I have currently an 11am on 6th floor and a second brief on 6th floor on 17th

Amos S. Eno
Executive Director
Land Conservation Assistance Network
74 Lunt Rond
Suite 300
Falmouth, ME 04105
207-536-0831
207-232-0134 (c)

When Tue Jan 16, 2018 4pm – 4:30pm Eastern Time
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greg __sheehan@fws_gox_ <u>Pate Obermuselr</u> Invitation: Meeting: Greg Sheehan/Wyoming County Commissioners Assocl... @ Fri Sep 8, 2017 11am - 11:30am (Pete Obermueller) <u>nvitle ics</u>

Meeting: Greg Sheehan/Wyoming County Commissioners Association re: Grizzly Bears & Sage Grouse - Room to be determined On Wed, Jul 19, 2017 at 3:49 PM, Pete Obermueller wrote: Good afternoon Ms. Sellars.

My name is Pete Obermueller, I am the Executive Director of the Wyoming County Commissioners Association (WCCA). I work closely with David Willms of Governor Mead's office on issues related to species conservation and ESA reform measures

A group of Wyoming Commissioners are travelling to Washington DC on September 7th and 8th. We would respectfully request a meeting with Acting Director Sheehan to discuss a few topics of mutual importance, including Grizzly bears and Sage Grouse. Wyoming's Commissioners are actively involved with our federal partners on numerous fronts, including the two mentioned. Park County Commissioner Loren Grosskopf, who was on the Yellowstone Ecosystem Subcommittee of the Interagency Grizzly Bear Committee, will be in attendance as well.

Our schedule is open right now, but be advised we have requested meetings with several other DOI officials so we'll have to coordinate it all as we move forward.

Thanks very much for your assistance.

Kind Regards,

Pete Obermueller Executive Director Wyoming County Commissioners Association 408 W. 23rd St. Cheyenne, WY 307-632-5409

When Fri Sep 8, 2017 Ham - H:30am Mountain Time
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Invitation: Meeting/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Thu Dec 14, 2017 8am - 8:30am (robyn_thorson@fvs.gov)

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Meeting Conference Call (Greg Sheehan, Gary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dial-in 1974) — Passcode 1974 — Rm 3358

Jay R. Sallivan

2028 PM (6 minutes ago)

Thank you for slotting us in with such short notice to meet next Thursday at 11:00. I will be accompanying County Commissioners Mark Owens and Todd Nash from Harney and Wallowa Counties in Oregon respectively. They will be in town for meetings with the Chief of the Forest Service regarding Eastside Plan revisions in Oregon and would like to discuss ESA issues with the Deputy Director. They will be coming directly from those meeting and may be cutting the time closely but will do their level best to be there close to on time. Please call my cell if you have any questions Regards,

Jay Sullivan

Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

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Meeting/Conference Call (Greg Sheehan, Gary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dial-in: [a) (5) Passcode [b) (5) Passcod

Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

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Meeting Conference Call (Greg Sheehan, Gary Frazer, Region 1 and Oregon Counties: Commissioners) to discuss ESA issue (Dial-in 1974) — Passcode 1974 — Rm 3358

Jay R. Sallivan

2028 PM (6 minutes ago)

Thank you for slotting us in with such short notice to meet next Thursday at 11:00. I will be accompanying County Commissioners Mark Owens and Todd Nash from Harney and Wallowa Counties in Oregon respectively. They will be in town for meetings with the Chief of the Forest Service regarding Eastside Plan revisions in Oregon and would like to discuss ESA issues with the Deputy Director. They will be coming directly from those meeting and may be cutting the time closely but will do their level best to be there close to on time. Please call my cell if you have any questions Regards,

Jay Sullivan

Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

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Meeting/Conference Call (Greg Sheehan, Gary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dial-in Sal 143) R. Salilvian

2.08 PM (6 minutes ago)

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[Jay Sallivan]

Jay R. Sullivan
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Washington, D.C. 20002
202-546-9060
Cell: 202-255-0062

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Phone call re: ESA-JTF On Mon, Oct 16, 2017 at 2:06 PM, Michael Hughes wrote:

On Mon, Oct 16, 2017 at 260 FPM, Michael trughes wrote:

Roslyn
It's been a while — I hope all's well with you.

It's been a while — I hope all's well with you.

It's been a while — I hope all's well with you.

The writing in hopes of getting your help to set a conference call for

Greg, Gary Fraser, Nick Wiley from Florida, the new MMFS Assistant Administrator (don't know who that is) and me — so that we can talk about the future of the Endangered Species Act Joint Task Force and the possibility of a re-start at the North American in March, 2018.

12 hour should be more than enough. — I mo Denver time, So I'm virtually

guaranteed to be five if they meet first-thing on the east coast - I don't

Please call if you need – Mike

Mike Hughes

Hughes Collaboration

40 South Bellaire Street

Denver, CO 80246

303-941-8010

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Inv tation: Phone call re: ESA-JTF @ Mon Dec 11, 2017 4pm - 5pm (nick.w ley@myfvs.com)

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Roslyn It's been a while - I hope all's well with you.
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It was a while - I hope all's well with you.
It was a while - I hope all's well with you.
It was a while - I hope all so well with you.
It was a while - I hope all so well we can talk about the future of the Endangered Species Act Joint Task Force and the possibility of a re-start at the North American in March, 2018.
It was a while - I hope all if you need - Mike
Mike Hughes
Hughes Act Joint Task Force and the possibility of a re-start at the North American in March, 2018.
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greg | sheehan@fws.gov

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Phone call re: ESA-JTF On Mon, Oct 16, 2017 at 2:06 PM, Michael Hughes wrote

On Mon, Oct 16, 2017 at 2:06 PM, Michael Hughes wrote:
Roslyn It's been a while - I hope all's well with you.
It seems a while - I hope all's well with you.
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mind.
Please call if you need - Mike
Mike Hughes
Hughes Collaboration
40 South Bellaire Street
Denver, CO 80246
303-941-8010

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Mike Hughes Hughes Collaboration 40 South Bellaire Street Denver, CO 80246 303-941-8010

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invitation: Phone call re: ESA-JTF @ Mon Dec 11, 2017 4pm - 5pm (EST) (emily.herstman@myfwc.com)

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On Mon, Oct 16, 2017 at 206 PM, Michael Hughes wrote:

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On Mon, Oct 16, 2071 at 2.06 PM, Michael Hughes wrote:

Rodyn
It's been a white -- Inope all's well with you.

In writing in hopes of getting your help to set a conference call for

Geeg, Gary Pieze, Nick Wiley from Forbrids, the new NMFS Assistant Administrator (don't know who that is) and me — so that we can talk about the future of the Endangered Species Act Joint Task Force and the possibility of a re-start at the North American in March, 2018.

Geeg, Gary Pieze, Nick Wiley from Forbrids, the new Denver time, so I'm virtually

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nind.

Please call if you need - Mike

Mike Hughes

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303-941-8010

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samuel.rauch@noaa.gov
chris.w.oliver@noaa.gov
Nick.Wiley@myfwc.com
Jen Mock Schaeffer
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Jeskia-rad@noaa.gov - optional
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invitation: Phone call re: ESA-JTF @ Mon Dec 11, 2017 9pm - 10pm (Jen Mock.Schaeffer)

more details » chttps://www.google.com/calendar/event?
action VIEW&eid MjQxbXhhdGc2NTiqOWdubThitM3M1dWRrY20gamVubW9ja0BmaXNod2lszGxpZmUub3Jn&tok MjlJZ3JIZ19qX3NoZWVoYW5AZndzLmdvdjkwNmQtZmVkZTM5OWRitMDcxODBkMTF1YmRjMjRkMTJmYWQ3NTFmOWQ&ctz UTC&hl en-

Phone call re: ESA-JTF On Mon, Oct 16, 2017 at 2:06 PM, Michael Hughes wrote

On Mon, Oct 16, 2017 at 2100 FM, butchest ruggies wise.

Roslyn
It's been a while -- I hope all's well with you.

It's been a while -- I hope all's well with you.

It's been a while -- I hope all's well with you.

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It's been a while -- I hope all's well with you.

It's been a while -- I hope all's well with you.

It's been should be fire if they from Florida, the new PMIFS Assistant Administrator (don't know who that is) and me --- so that we can talk about the future of the Endangered Species Act Joint Task Force and the possibility of a re-start at the North American in March, 2018.

I'll hour should be more than enough.

I'll hour should be free if they meet first-thing on the east coast - I don't mind.

mind.
Please call if you need - Mike
Mike Hughes
Hughes Collaboration
40 South Bellaire Street
Denver, CO 80246
303-941-8010

* emily hershman@mytwc.com - optional
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From: greg j sheehan@fws.gov
To: tmale@policyinnovation.org

Subject: New event: ESA follow up (Greg Sheehah, Timothy Male & Jake Li of E... @ Thu Jun 28, 2018 9:30am - 10am

(EDT) (greg_j_sheehan@fws.gov)

Attachments: <u>invite.ics</u>

more details » https://www.google.com/calendar/event?

action=VIEW&eid=MGJpaDJ2MW52bzBnczdqdXAyYXNudGxhanUgZ3JlZ19qX3NoZWVoYW5AZndzLmdvdg&es=1>

ESA follow up (Greg Sheehah, Timothy Male & Jake Li of Environmental Policy Innovation Center) Rm 3358

POC: Timothy Male, Executive Director Environmental Policy Innovation Center

(e): tmale@policyinnovation.org <mailto:tmale@policyinnovation.org>

(c): (240) 274-0341

www.innovationcenter.org https://www.google.com/url?

When Thu Jun 28, 2018 9:30am - 10am Eastern Time

Where Rm 3358 (map https://maps.google.com/maps?q=Rm+3358&hl=en)

 $Video\ call\ https://hangouts.google.com/hangouts/_/doi.gov/greg-j-sheehan < https://hangouts.google.com/hangouts/_/doi.gov/greg-j-sheehan? hceid=Z3JIZ19qX3NoZWVoYW5AZndzLmdvdg.0bih2v1nvo0gs7jup2asntlaju>$

Calendar greg_j_sheehan@fws.gov

Who • greg_j_sheehan@fws.gov - organizer

- roslyn_sellars@fws.gov creator
- tmale@policyinnovation.org

Invitation from Google Calendar https://www.google.com/calendar/

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https://support.google.com/calendar/answer/37135#forwarding.



From: <u>stephen_guertin@fws.gov</u>
To: <u>mgable@forestlandowners.com</u>

Cc: gary frazer@fws.qov; lois wellman@fws.qov; greq j sheehan@fws.qov

Subject: New event: Meeting (Steve and Scott Jones, CEO Forest Landowners Ass... @ Tue Jan 16, 2018 10am - 10:30am

(stephen_guertin@fws.gov)

Attachments: <u>invite.ics</u>

more details » https://www.google.com/calendar/event?

action=VIEW&eid=MWJwNDJpbGFlOGJ1ZHZ0NDFtOXF1cmRnbWQgc3RlcGhlbl9ndWVydGluQGZ3cy5nb3Y>

Meeting (Steve and Scott Jones, CEO Forest Landowners Association) on ESA and listing process - Rm 3357 On Fri, Jan 5, 2018 at 12:42 PM, mgable@forestlandowners.com <mailto:mgable@forestlandowners.com> wrote: Hi Stephen,

I am with the Forest Landowners Association whose members are comprised of the largest private and family timber owners in the US. Many of whom have been impacted by the ESA and recent At-Risk Species listings. For the past several years we have worked with Doug Krofta out of the Division of Conservation and Classification in Arlington and with Region IV on developing better partnerships and understanding of how the listing process and determinations impact forest landowners. Scott Jones, FLA CEO will be in town on Tuesday, January 16th and we wanted to see if you were available for a meeting for us to further introduce FLA and discuss the ESA and listing process.

Regards, Melinda Gable Forest Landowners Association Vice President 202-302-4794 www.forestamerica

www.forestlandowners.com https://www.google.com/url?

When Tue Jan 16, 2018 10am - 10:30am Eastern Time

 $Where\ Room\ 3357\ (map\ < https://maps.google.com/maps?q=Room+3357\&hl=en>)$

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Calendar stephen_guertin@fws.gov

Who • stephen_guertin@fws.gov - organizer

- thomas_irwin@fws.gov creator
- mgable@forestlandowners.com
- gary_frazer@fws.gov optional
- lois_wellman@fws.gov optional
- greg_j_sheehan@fws.gov optional

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From: greg i sheehan@fws.gov

Pete Obermueller To:

Subject: New Event: Meeting: Greg Sheehan/Wyoming County Commissioners Associ... @ Fri Sep 8, 2017 1pm - 1:30pm

(greg_j_sheehan@fws.gov)

Attachments: invite.ics

more details » https://www.google.com/calendar/event?

action=VIEW&eid=MnNjbHA2ajFqb2lzZDgxY3Voamo2aWdjMmcgZ3JlZ19qX3NoZWVoYW5AZndzLmdvdg>

Meeting: Greg Sheehan/Wyoming County Commissioners Association re: Grizzly Bears & Sage Grouse - Room to be determined On Wed, Jul 19, 2017 at 3:49 PM, Pete Obermueller wrote: Good afternoon Ms. Sellars.

My name is Pete Obermueller, I am the Executive Director of the Wyoming County Commissioners Association (WCCA). I work closely with David Willms of Governor Mead's office on issues related to species conservation and ESA reform measures.

A group of Wyoming Commissioners are travelling to Washington DC on September 7th and 8th. We would respectfully request a meeting with Acting Director Sheehan to discuss a few topics of mutual importance, including Grizzly bears and Sage Grouse. Wyoming's Commissioners are actively involved with our federal partners on numerous fronts, including the two mentioned. Park County Commissioner Loren Grosskopf, who was on the Yellowstone Ecosystem Subcommittee of the Interagency Grizzly Bear Committee, will be in attendance as well.

Our schedule is open right now, but be advised we have requested meetings with several other DOI officials so we'll have to coordinate it all as we move forward.

Thanks very much for your assistance.

Kind Regards,

Pete

Pete Obermueller Executive Director Wyoming County Commissioners Association 408 W. 23rd St. Cheyenne, WY 307-632-5409

When Fri Sep 8, 2017 1pm - 1:30pm Eastern Time

Video call https://plus.google com/hangouts/_/doi.gov/greg-j-sheehan https://plus.google com/hangouts/_/doi.gov/greg-j-sheehan? hceid=Z3JIZ19qX3NoZWVoYW5AZndzLmdvdg.2sclp6j1joisd81cuhjj6igc2g>

Calendar greg_j_sheehan@fws.gov

Who • greg_j_sheehan@fws.gov - organizer

- roslyn_sellars@fws.gov creator
- Pete Obermueller

Invitation from Google Calendar https://www.google.com/calendar/

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Cc:

greg __sheehan@fws.gov_robyn_thorson@fws.gov_isullivan@jamisonandsullivan.com; gary_frazer@fws.gov_noble_stagas=arabol@fws.gov_roby_wellman@fws.gov_rose_read@fws.gov noble_stagas=arabol@fws.gov; lois_wellman@fws.gov_rose_read@fws.gov New event: Meeting/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Thu Dec 14, 2017 8am - 8:30am (theresa_rabot@fws.gov) Subject:

Attachments:

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Meeting/Conference Call (Greg Sheehan, Gary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dial-in 1974) [3] Passcode [3] [4] Passcode [3] Passcode

Jay R. Sullivan
JAMISON AND SULLIVAN, INC.
306 Constitution Avenue, NE
Washington, D.C. 20002
202-546-9060
Cell: 202-255-0062

Cell: 202-235-0062
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From: To: Cc:

greg | sheehan@fus.gov
robun.thorson@fus.gov; gary frazer@fus.gov; theresa rabot@fus.gov; sullivan@jamisonandsullivan.com
nicole_tsugawa@fus.gov; rose reed@fus.gov; lois_wellman@fus.gov
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Meeting/Conference Call (Greg Sheehan, Gary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dial-in S) (6) Passcode (5) (6) Passcode (5) (6) Passcode (5) (6) Passcode (6) (6) Passcode (6)

Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

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Meeting/Conference Call (Greg Sheehan, Gary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dial-in S) (6) Passcode (5) (6) Passcode (5) (6) Passcode (5) (6) Passcode (6) (6) Passcode (6)

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greg_j_sheehan@fws.gov

From: greg | Sheehan@flvs.gov
To: tmale@policyinnovalion.org

Subject: Invitation: ESA follow up (Greg Sheehah, Timothy Male & Jake Li of E... @ Thu Jun 28, 2018 9:30am - 10am (EDT) (tmale@policyinnovat on.org)

Attachments: Inv Bu. 52

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ESA follow up (Greg Shechah, Timothy Male & Jake Li of Environmental Policy Innovation Center) Rm 3358
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POC: Timothy Male, Executive Director
Environmental Policy Innovation Center
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From: greg i sheehan@fws.gov

gary_frazer@fws.gov; mike@hughes-collaboration.com; Nick.Wiley@myfwc.com; samuel.rauch@noaa.gov; Jen To:

Mock Schaeffer; chris.w.oliver@noaa.gov

Cc: alesia.read@noaa.gov; emily.hershman@myfwc.com; oiea@ios.doi.gov; lois_wellman@fws.gov New event: Phone call re: ESA-JTF @ Mon Dec 11, 2017 4pm - 5pm (greq_i_sheehan@fws.gov) Subject:

Attachments: invite.ics

more details » https://www.google.com/calendar/event?

action=VIEW&eid=MjQxbXJhMGc2NTlqOWdubTh0M3M1dWRrY20gZ3JlZ19qX3NoZWVoYW5AZndzLmdvdg>

Phone call re: ESA-JTF

On Mon, Oct 16, 2017 at 2:06 PM, Michael Hughes wrote:

Roslyn -

It's been a while -- I hope all's well with you.

I'm writing in hopes of getting your help to set a conference call for

Greg, Gary Fraser, Nick Wiley from Florida, the new NMFS Assistant Administrator (don't know who that is) and me --- so that we can talk about the future of the Endangered Species Act Joint Task Force and the possibility of a re-start at the North American in March, 2018.

1/2 hour should be more than enough... I'm on Denver time, so I'm virtually

guaranteed to be free if they meet first-thing on the east coast - I don't

mind.

303-941-8010

Please call if you need - Mike Mike Hughes **Hughes Collaboration** 40 South Bellaire Street Denver, CO 80246

When Mon Dec 11, 2017 4pm - 5pm Eastern Time

Where Room 3358 or Dial: Code: (map <https://maps.google.com/maps?q=Room+3358+or+Dial:+ Code:+(b) (5) CIP hl=en>)

Video call https://plus.google com/hangouts/_/doi.gov/greg-j-sheehan https://plus.google com/hangouts/_/doi.gov/greg-j-sheehan? hceid=Z3JIZ19qX3NoZWVoYW5AZndzLmdvdg.241mra0g659j9gnm8t3s5udkcm>

 $Calendar\ greg_j_sheehan@fws.gov$

Who • greg_j_sheehan@fws.gov - organizer

- roslyn_sellars@fws.gov creator
- gary_frazer@fws.gov
- mike@hughes-collaboration.com
- Nick.Wiley@myfwc.com
- samuel.rauch@noaa.gov
- · Jen Mock Schaeffer
- · chris.w.oliver@noaa.gov
- · alesia read@noaa.gov optional
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From: Jim Kurth
To: Mark Humpert

Subject: Re: [EXTERNAL] DOI Reorganization

Date: Wednesday, August 29, 2018 9:47:52 AM

There is (I saw it in E&E News this morning). Let me see if I can find an official version.

Sent from my iPhone

On Aug 29, 2018, at 8:59 AM, Mark Humpert < MHumpert@fishwildlife.org > wrote:

Hi Jim:

Jim Douglas asked if there is a map of the new DOI regions that shows state boundaries? If so, can you share it?

From: Jim Kurth [mailto:jim_kurth@fws.gov]
Sent: Tuesday, August 28, 2018 10:00 AM

To: Mark Humpert < MHumpert@fishwildlife.org > **Subject:** Re: [EXTERNAL] DOI Reorganization

That should work.

Sent from my iPhone

On Aug 28, 2018, at 9:39 AM, Mark Humpert < MHumpert@fishwildlife.org > wrote:

Jim:

I moved you to the 11:15am slot. Would you like to go earlier? We could have you present any time after the introductions if that would be better for you.

From: Jim Kurth [mailto:jim_kurth@fws.gov]
Sent: Tuesday, August 28, 2018 9:18 AM

To: Mark Humpert < MHumpert@fishwildlife.org > **Subject:** Re: [EXTERNAL] DOI Reorganization

Thanks Mark. I currently have a 1:50 pm flight out, if there is a way to go a little earlier on the agenda I would appreciate it. If not, I can adjust my schedule

Sent from my iPhone

On Aug 28, 2018, at 9:10 AM, Mark Humpert < MHumpert@fishwildlife.org wrote:

Hi Jim:



Ron said you are able to do the update on DOI reorganization at the Wildlife Resources Policy Committee. Thanks for agreeing to do that. See the current draft of the agenda below. Let me know if you have questions.

<image001.jpg>

WILDLIFE RESOURCES POLICY COMMITTEE

Chair: Jim Douglas, (Nebraska) Vice-Chair: Chuck Sykes (Alabama)

Wednesday September 12, 2018 10:00 AM – 12:00 PM

Association of Fish and Wildlife Agencies Annual Meeting Room: Florida Salon V Tampa Marriott Waterside Hotel | Tampa, FL

Committee Charge

To discuss and develop recommendations on Association positions related to federal laws, regulations and policies concerning habitat conservation, wildlife resources and related funding for such programs as well as wildlife management practices including those concerned with problem or nuisance wildlife, and emerging issues (e.g., commercial trade). The committee also stays abreast of threatened and endangered species wildlife issues, state legislation pertaining to wildlife management and wildlife diversity funding initiatives.

<u>Agenda</u>

10:00 AM Welcome, Introductions, Review Agenda, Approve Meeting Notes-Jim Douglas, NGPC

10:10 AM Wildlife Services Report-Martin Mendoza, USDA/APHIS

10:30 AM

Multiagency MOU on Aircraft-Wildlife Strikes- Martin Mendoza, USDA/APHIS

10:35 AM

Human/Wildlife Conflicts Working Group Report-Brian Wakeling, NDOW

10:55 AM Landscape Conservation Working Group-Jim Douglas, NGPC

Update to White Paper on Landscape Conservation



Resolution on Landscape Conservation

11:15 AM Update on Bats & Proposed Working Group-Mylea Bayless, BCl

11:30 AM Update on Department of Interior Reorganization-Jim Kurth, FWS

11:40 AM Renewable Fuel Standard Relationship to Wildlife and Landuse-Bill Moritz, WMI

11:45 AM Update on Regional Monarch Conservation Strategy-Ed Boggess, FWS

11:50 AM Committee Work Plan-Jim Douglas, NGPC

12:00 PM Adjourn

Mark Humpert, Director of Conservation Initiatives
Association of Fish & Wildlife Agencies
1100 First St. NE | Suite 825 | Washington DC 20002
O 202-838-3459 M 202-384-8169
mhumpert@fishwildlife.org
www.fishwildlife.org



From: Jim Kurth

To: Greg Knadle

Subject: Re: [EXTERNAL] Endangered Species Challenge Grant Program Meeting Request...

Date: Tuesday, March 26, 2019 8:13:56 AM

Happy Birthday, NFWF! An impressive record of funding conservation successes!

Sent from my iPhone

On Mar 26, 2019, at 9:07 AM, Greg Knadle < Greg.Knadle@nfwf.org > wrote:

Thanks Jim! I'll call Roslyn today... By the way, NFWF has been in existence 35 years as of **today** and has invested more than \$5.3 billion in conservation since our inception – kind of cool...

From: Jim Kurth [mailto:jim_kurth@fws.gov]
Sent: Tuesday, March 26, 2019 8:40 AM
To: Greg Knadle < Greg.Knadle@NFWF.ORG>

Subject: Re: [EXTERNAL] Endangered Species Challenge Grant Program Meeting

Request...

Greg,

We are out at NCTC for a Directorate meeting this week. Happy to meet when we get back. You should invite Margaret and Gary to participate. I suggest you call Roslyn (202 208 4545) and she can schedule a time that works.

jim

Sent from my iPhone

On Mar 25, 2019, at 12:25 PM, Greg Knadle < Greg. Knadle@nfwf.org > wrote:

Hey Jim -

I'd like to see if there is time this week to come in and discuss the Endangered Species Recovery Challenge Grants Program and the Committee language that was included in the FY 2019 appropriations report. I didn't get a chance to have a lengthy discussion with Gary Frazier about it at the North American. I would leave it to you as to who else would need to be at the meeting. We have a short (and a long) list of ESA Species we work on and have match funding ready to go. Lett me know if there is a good time to meet.

Thanks, and hope things are well!

Greg



Greg E. Knadle
Vice President, Government Relations
National Fish and Wildlife Foundation
1133 15th Street NW, Suite 1000
Washington, DC 20005
Office 202-857-0166
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Cell 202-436-2102
Fax 202-857-0162



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>Timothy Male</u>; <u>Roslyn Sellars</u>
Subject: Re: [EXTERNAL] ESA follow up
Date: Sunday, June 17, 2018 8:35:14 PM

Hi Tim

Thanks for the followup. Would be good to touch bases with you again soon. I have cc'd my assistant to see if we can find a time. I am traveling a bit the next couple weeks but I suspect we can find a 30 minute time slot.

Thanks Greg

On Wed, Jun 13, 2018 at 5:32 PM, Timothy Male < tmale@policyinnovation.org > wrote:

Hi Greg,

Hope your summer is going okay.

I wanted to let you know a couple of things. First, that Jake Li (cced) joined the Innovation Center earlier this month. He is a lawyer who has deep experience on wildlife policy, working for both industry and environmental groups. In the near future, we will begin publishing lots of new ideas around the ESA and wildlife policy focused on effective, faster, collaborative approaches. In the short-term, I wanted to share with you a couple of Jake's posts on forthcoming ESA regs. You can find them here on Linkedin:

https://www.linkedin.com/pulse/upcoming-changes-endangered-species-regulations-part-i-ya-wei-li/

https://www.linkedin.com/pulse/upcoming-changes-endangered-species-regulations-part-ii-ya-wei-li/

or on our website <u>here</u> and <u>here</u>.

A number of your staff were at the meeting we recently held with OMB on these regulations, so what we say in these posts is not new to your team, although it covers a bit more detail.

I also wanted to let you know that I met with Susan Combs earlier this week to talk about



ESA. We have a mutual friend in Texas. I mentioned to her a project on budget prioritization that your staff have been working on with Arizona State University, USGS and others and suggested that she get briefed on this approach, which could help with future budget processes. She indicated she was going to pass it on to you so I wanted to give you a heads up. (Jeff Newman has been the lead for the Service on this.)

I also mentioned some new ideas we have on how section 7 of the ESA could be used to provide a form of 'safe harbor' or regulatory assurance for federal agencies, ranchers who graze on federal lands and others. We are doing more work on this in the future, but its already something that is relevant to DoD so I wanted to bring it to your attention as well. Susan indicated she would likely bring it up with Kristin Thomasgard-Spence at DoD.

Happy to follow up.
Best to you,
Tim
Timothy Male
Executive Director
Environmental Policy Innovation Center
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Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Greg Sheehan
To: Dale Hall

Subject: Re: [EXTERNAL] ESA Reforms

Date: Thursday, July 19, 2018 12:47:57 PM

Thank you Dale.

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Jul 19, 2018, at 12:23 PM, Dale Hall < dhall@ducks.org > wrote:

Very nice job today. These are all excellent corrections.

Dale



From: Sheehan, Gregory
To: verizon.net
Subject: Re: [EXTERNAL] esa

Date: Monday, August 20, 2018 1:24:42 PM

Hi,

I am no longer with the US Fish and Wildlife Service. If you need to reach someone with the FWS please contact Charisa Morris, FWS Chief of Staff, at Charisa_Morris@fws.gov or at 202-208-3843.

Thank you, Greg Sheehan

--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



From: Greg Sheehan
To: Ryan Yates

Subject: Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Date: Monday, June 11, 2018 8:01:10 AM

Hi Ryan.

I'm out in Shepardstown WV and will return by noon. Was hoping to call you while en route back later this morning.

Any particular questions you need answered before your meeting? Thanks

Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Jun 11, 2018, at 8:21 AM, Ryan Yates <<u>ryany@fb.org</u>> wrote:

Hi Greg –

Our meeting with the Secretary was moved to 10:00 this morning. I'd imagine we would be done by 10:30 or 10:45. Could I swing by then since I'll be in the building?

Ryan

From: Greg Sheehan [mailto:greg_j_sheehan@fws.gov]

Sent: Monday, June 11, 2018 8:12 AM

To: Ryan Yates < ryany@fb.org>

Subject: Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch

Conservation Strategy

Hi Ryan,

Can I call you at about 10:30 am today to go over any shared items.

Thanks

Greg

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
202-208-4545 office
202-676-7675 cell



On Jun 6, 2018, at 7:45 AM, Ryan Yates < ryany@fb.org > wrote:

Greg -

It would be good to catch up on a number of wildlife and ESA matters. Do you happen to have any time Monday afternoon? I have a meeting with the Secretary at 3:00, so I'll be in the building if you are available.

Thanks.

Ryan

From: Sheehan, Gregory [mailto:greg_j_sheehan@fws.gov]

Sent: Tuesday, June 5, 2018 10:10 PM

To: Ryan Yates <<u>ryany@fb.org</u>>

Subject: Re: [EXTERNAL] Farm Bureau Comments on Mid-America

Monarch Conservation Strategy

Thanks Ryan

Thank you for sharing. Let me know if you want to discuss sometime.

Thanks

Greg

On Mon, Jun 4, 2018 at 4:27 PM, Ryan Yates < ryany@fb.org > wrote:

All -

Please see the attached comments regarding the proposed Mid-America Monarch Conservation Strategy submitted on behalf of the American Farm Bureau Federation (AFBF) and the 1,561,029 members of the state Farm Bureaus of Arizona, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri and Oklahoma.

Thank you.

RYAN R. YATES | Director of Congressional Relations
American Farm Bureau Federation ®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024 Office 202.406.3664 | Mobile 202.641.1416



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Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
1849 C Street NW, Room 3358
Washington, DC 20240
202-208-4545



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: Lynch, James M.

Cc: ryany@fb.org; Charisa Morris

Subject: Re: [EXTERNAL] Farm Bureau Meeting Request

Date: Friday, June 22, 2018 4:53:13 PM

Hi Jim and Ryan,

I could meet on July 18 at 1 pm. Let me know if that works and I would want to add some FWS staff as well to follow up as needed.

Thanks, Greg

On Fri, Jun 22, 2018 at 12:36 PM, Lynch, James M. < iim.lynch@klgates.com > wrote:

Mr. Sheehan, I hope all is well. We are working with a large group of Farm Bureau organizations across the U.S. that are potentially interested in exploring development of an ESA pre-listing agreement with USFWS for Monarch butterfly.

Given time sensitivities here, we were hoping to meet you and other appropriate Headquarters Staff on this in early July. Ryan Yates or I would be happy to discuss this in more detail on the phone, but could we check your schedules for a meeting to discuss this the week of July 16 at your office if possible?

Thanks in advance, and we look forward to talking soon with you about this.

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Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240



Office 202-208-4545 Cell 202-676-7675



 From:
 Greg Sheehan

 To:
 Benjamin Cassidy

 Cc:
 Corey Mason

Subject: Re: [EXTERNAL] Fwd: MEMBER ACTION ALERT: Speak Up For Conservation!

Date: Wednesday, June 20, 2018 8:36:49 PM

Thanks Corey for your support. Most appreciated

Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Jun 20, 2018, at 7:23 PM, Benjamin Cassidy

| Senjamin cassidy@ios.doi.gov | wrote:

Fantastic — thank you Corey!

Please note all emails sent and received are subject to the Freedom of Information Act

Sent from my iPhone

On Jun 20, 2018, at 6:42 PM, Corey Mason < Corey@biggame.org > wrote:

Greg and Ben,

The following went to all DSC members. We greatly appreciate your efforts!

Corey Mason Executive Director Dallas Safari Club

Begin forwarded message:

From: Dallas Safari Club < info@biggame.org>
Date: June 20, 2018 at 5:30:09 PM CDT

To: <<u>corey@biggame.org</u>>

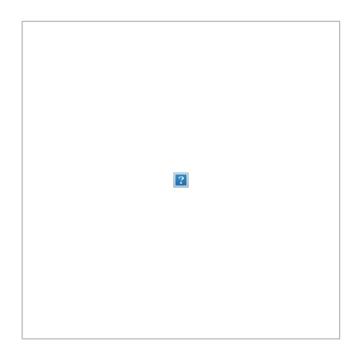
Subject: MEMBER ACTION ALERT: Speak Up For Conservation!

Reply-To: Dallas Safari Club < <u>info@biggame.org</u>>

MEMBER ACTION ALERT: Take 5 minutes to speak up for conservation! See email for full details

View this email in your browser





MEMBER ACTION ALERT: Take 5 minutes to speak up for conservation!

The Department of the Interior and U.S. Fish and Wildlife Service are working diligently for the sportsman, and we need to support them in their actions. DSC has weighed in on this important action, and I am writing to ask that you also make your voice heard.

This proposal opens three National Wildlife Refuges (NWRs) to hunting, opens one NWR to sport fishing, increases the hunting activities available at 26 NWRs, increases sport fishing activities at four NWRs, and adds pertinent refuge specific regulations for other NWRs that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2018–2019 season.

The U.S. Fish and Wildlife Service is seeking comments from the public about this proposal and I urge you to add your voice to the issue. **The comment period closes June 28.** When submitting a comment, you can use your own language or copy the language below.

To submit your comment:

- Click on the link: 2018-2019 Refuge-Specific Hunting and Sport Fishing Regulations
- 2. Click on: Comment Now
- 3. Enter your information and provide your comment
- 4. Review the comment and click: Submit Comment

Thank you for supporting the important work that the DOI and USFWS are doing to



increase hunting opportunities. Your voice is needed!

Corey Mason
DSC Executive Director

Suggested Comment

U.S. Fish and Wildlife Service,

I applaud the U.S. Fish and Wildlife Service for its proposal to open three National Wildlife Refuges (NWR) to hunting and one NWR to sport fishing, increase the hunting activities available at 26 NWRs, increase sport fishing activities at four NWRs, and add pertinent refuge-specific regulations for other NWRs that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2018-2019 season. These actions clearly show that the USFWS recognizes the demonstrated and important role of the hunter and angler in wildlife and fisheries conservation in North America.

Additionally, as stated, the proposal will result in an estimated increase of 17,575 user days yielding approximately \$711,000 in recreation-related expenditures. Thus, the proposed rule not only increases opportunities for the public to participate in outdoor activities, but also will have a total economic impact of approximately \$1.6 million.

In conclusion, I support the proposed rule and thank the USFWS for its actions to increase hunting and fishing opportunities on public land.







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Become a DSC volunteer!

Our mailing address is:
Dallas Safari Club, 13709 Gamma Road, Dallas, TX 75244
972-980-9800

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Dallas Safari Club
13709 Gamma Road
Dallas,TX 75244
<a href="mailto:update-u



From: Sheehan, Gregory
To: Timothy Male

Subject: Re: [EXTERNAL] FWS right on ESA threatened species

Date: Monday, April 30, 2018 12:34:07 PM

Thank you Tim for the feedback. As you know we are engaged in a listening process that begins with federal partners then the broader public. Both processes may effect the final language of any rule changes.

I appreciated reading your recent op-ed that covered a number of these topics. There was broad coverage and sharing of that article.

Hope things are going well for you. Looks like you are staying busy.

Please stay in touch, Greg

On Thu, Apr 12, 2018 at 2:06 PM, Timothy Male < tmale@policyinnovation.org > wrote:

Hi Greg,

Sharing our perspective on the 4(d) policy that made the rounds last week. I see this as a really positive development which creates more room for FWS to create flexibility for landowners. Given how ineffective section 9 has been at creating conservation results, I think its far better (and more consistent with statutory intent) to eliminate the default rule for future listings and do customized rules on a species by species basis. It's also a much more respectful and partner-driven way to approach private lands conservation for threatened species.

I've sent this around to some of the non-profits and a couple of media outlets.

Best to you!

Tim

Timothy Male, Executive Director

Environmental Policy Innovation Center

(e): tmale@policyinnovation.org





MEMORANDUM

Subject: Positive changes to be proposed by the U.S. Fish and Wildlife Service to special rules for threatened species

The U.S. Fish and Wildlife Service plans to revise the way that take prohibitions (i.e. killing, harm, injury, etc.) of the Endangered Species Act apply to species in the future that are listed as 'threatened.' Adraft of the proposed regulation was leaked to the media and the following analysis is based on that leaked version, which is currently under review by other federal agencies. It is possible that additional changes would be made to the draft before it is released to the public.

- The ESA prohibits take, import, export, possession, or commerce of endangered species, but does not do so for threatened species. Rather, it directs agencies to issue whatever regulations are necessary to provide for the conservation of threatened species and may use those regulations to prohibit any of the same activities that prohibited for endangered species.
- Instead of using this authority to create specific rules to protect individual threatened species, in 1978, the U.S. Fish and Wildlife Service created a 'blanket' rule that applied all the same protections to threatened species as existed for endangered ones.
- The April 2018 draft of the proposed regulation would not change the status quo for any threatened species already listed, but the 'blanket' rule would no longer apply to newly listed threatened species. Instead, the U.S. Fish and Wildlife Service would



issue species specific rules on a case by case basis, just as NOAA has always done.

- The change, if adopted, represents a step forward for wildlife recovery.
 - 1. It makes it easier to write species-specific rules for threatened species that benefit species.
 - 2. It incentivizes conservation action for endangered species because by creating a meaningful difference between the regulatory requirements for threatened and endangered species, states, landowners and others can see the benefits of achieving downlisting goals.
 - 3. Based on experience with the more than 50 species already covered by USFWS special 4(d) rules, it allows more targeted and less controversial species recovery efforts.
 - 4. It lowers political opposition to listing threatened species earlier in their decline because those listings don't automatically come with perceived land use restrictions.

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
1849 C Street NW, Room 3358
Washington, DC 20240
202-208-4545



From: Jim Kurth
To: Chuck Job

Subject: Re: [EXTERNAL] Groundwater-Affected Threatened or Endangered Species

Date: Friday, June 29, 2018 1:44:03 PM

Thank you for your inquiry. While we do maintain a database of information on all threatened and endangered species, unfortunately that database does not categorize listings by threats, and we have no other way to readily produce the list you requested.

However, the database has links to the listing determinations, recovery plans, and 5 year status reviews, and has several other searchable fields including things like location and taxa. It can be found on the Internet at https://ecos.fws.gov/ecp/

Sent from my iPhone

On Jun 27, 2018, at 2:16 PM, Chuck Job < cjob@ngwa.org > wrote:

Hello Dr. Kurth,

Could you please send me a list of threatened or endangered species (flora and fauna) which have that status in part or whole because of groundwater effects on their habitat (groundwater pumping, oil and gas production using groundwater, continuing extreme weather/drought, etc.)?

The list would be most useful if it included the specific groundwater effect(s), including effects on springs, on groundwater-surface water interaction with streams or other bodies of water and on changing groundwater chemistry and thermal factors affecting species, that the FWS identified in designating the species as threatened or endangered and the location of the habitat for each species. This information is usually included in the notices that the FWS publishes on each individual designation.

Please let me know if you have any questions about this request.

Thank you for your assistance.

Chuck

Chuck Job | Regulatory Affairs Manager
National Ground Water Association
cjob@ngwa.org
cell (202) 660-0060
NGWA — Better Together
601 Dempsey Road | Westerville, Ohio 43081 | USA



(800) 551-7379 | (614) 898-7791 | x 1561 | fax (614) 898-7786 NGWA.org | WellOwner.org

Private Well Owner Hotline: (855) H20-WELL | (855) 420-9355

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From: <u>Guertin, Stephen</u>
To: <u>Debbie Harwood</u>

Cc: Sanchez Shaun; Matt Hogan; Meeks, Will; Lucas, David C; Roslyn Sellars; Spence, Ionie

Subject: Re: [EXTERNAL] latest agenda for NWRA board meeting

Date: Wednesday, October 10, 2018 7:42:47 PM

Attachments: <u>Guertin Presentation.pptx</u>

Thanks for the update.

I have attached a copy of the PowerPoint for the Service overview update session (and will bring a copy on a stick too) but if Matt or Will or David are there early could one of you guys load this onto the laptop that will be used in the room?

My flight lands @ 9 so I will join the meeting a little later in the morning.

Thanks. Steve

On Wed, Oct 10, 2018 at 12:53 PM Debbie Harwood < dharwood@refugeassociation.org wrote:

Hi Steve, Shaun, Matt, Will, and David,

Here's what I have as the latest agenda and attendee list for the Refuge Association Board meeting tomorrow and Friday. I heard from Desiree that Shaun won't be able to attend and I expect there will be additional changes today, but this is our best version for now!

Thanks! Debbie



Report to the National Wildlife Refuge Association Board of Directors

Stephen Guertin
Deputy Director
U.S. Fish and Wildlife Service
October 2018

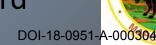
U.S. Fish and Wildlife Service





Secretary's Priorities

- Create a conservation stewardship legacy, second only to Teddy Roosevelt
- 2. Sustainably develop our energy and natural resources
- Restore trust and be a good neighbor
- 4. Ensure Tribal sovereignty means something
- 5. Increase revenues to support DOI and national interests
- 6. Protect our people and the border
- 7. Strike a regulatory balance
- 8. Modernize our infrastructure
- 9. Reorganize DOI for the next 100 years
- 10. Achieving our goals, leading our team forward



FWS Budget Trends

(\$ in 000s)	FY 17 Enacted	FY 18 President's Budget	FY 18 Enacted	FY 19 President's Budget	FY 19 House	FY 19 Senate
National Wildlife Refuge System						
Total	\$483,927	\$470,109	\$486,757	\$473,069	\$489,273	\$491,180
Resource Management Total	\$1,258,761	\$1,151,129	\$1,279,002	\$1,130,644	\$1,289,808	\$1,292,067
FWS Discretionary Funds Total	\$1,519,781	\$1,302,619	\$1,594,646	\$1,226,129	\$1,584,245	\$1,574,934





Secretarial Orders to Increase Access to Public Lands

FWS is leading implementation of Secretarial Orders 3347, 3356, and 3366, which all support increased access to public lands for outdoor recreation. Efforts include:

1. Direct Funding

- Over \$423M in grants to state agencies to support access
- Directed 60% of FY18 deferred maintenance funding to enhance outdoor recreation access and infrastructure

2. Modernizing Digital Platforms

- Overhauling central hunting and fishing webpages with an interactive platform
- Standardizing maps across refuges and fish hatcheries

3. Engaging New Audiences

- Introducing new users to wildlife-dependent recreational opportunities on refuges
- Fully embraced the R3 movement of recruitment, retention and reactivation of hunters and anglers

4. Increasing Access and Alignment with State Regulations

- Dedicated 10 full-time employees to assess Service hunting and fishing regulations for alignment with state regulations.
- In 2018, opened or expanded hunting and fishing opportunities across 251,000 acres on 30 NWRs

Secretarial Order 3362

Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors

FWS plays a vital role in working with states to identify migration habitat, and facilitating the migration of species across a patchwork of federal, state, and private lands.

1. State Action Plans

- Obtained input from 11 western states on their top priority migration corridors or winter range areas
- Information being rolled-up into State Action Plans Will be released mid-October 2018

2. Research

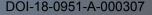
- Obtained top research priorities from 11 western states
- FWS will fund top research priority of each state up to \$300,000 cap

3. Habitat Actions

- New grant program specifically for habitat implementation projects associated with State Action Plans
- Will be funded via \$2.75M but working to increase via partnerships
- A focus of all 11 western states is the threat/risk of highways. FWS coordinating a transportation/wildlife professional workshop early in 2019.

4. Partnerships

USDA via Forest Service and NRCS will partner with DOI on implementation of SO 3362



Secretarial Memorandum

State Fish and Wildlife Management Authority on Department of the Interior Lands and Waters

- On September 10, the Secretary distributed a memorandum to all bureaus reaffirming the authority of states to exercise their broad trustee and police powers as stewards of the Nation's fish and wildlife species on public lands and waters under the jurisdiction of the Department of the Interior.
- The Secretary requests the following actions:
 - Within 45 days, all bureaus are to complete a review of all regulations, policies, and guidance that pertains to the conservation and management of fish and wildlife species on lands and waters under their jurisdiction that are more restrictive than commensurate State provisions (including those applicable to recreation).
 - Within 90 days, all bureaus must provide a report containing detailed recommendations to better align their regulations, policies and guidance with states.
 - Following review of this report, the Deputy Secretary will consult with applicable State fish and wildlife agencies and then deliver an implementation plan to the Secretary.

DOI-18-0951-A-000308

Infrastructure Legislation

The Secretary has made it a key priority to rebuild the infrastructure of the National Park System and the National Wildlife Refuge System.

FY 2019 Budget Request

- \$135.5M for Refuge System maintenance
- \$41 million of this will address the backlog in deferred maintenance
- Proposes legislation to create the "Public Lands Infrastructure Fund", which could provide up to \$18
 billion to help pay for repairs and improvements in national parks, wildlife refuges, and other public
 lands

Legislation

- 8 bills introduced to date to address DOI deferred maintenance issues only 2 include refuges
- 2 most likely bills to move are:
 - S. 3172, the Restore Our Parks Act, sponsored by Sens. Portman and Warner
 - H.R. 6510, the Restore Our Public Lands Act, sponsored by Congressmen Bishop and Grijalva
- Only H.R. 6510 includes refuges
- The sponsors of both bills have publicly committed to work together to get their bills in alignment and passed this Congress.



MBTA M Opinion Update

- On December 22, 2017, the Department released a new M-Opinion revising the interpretation of whether incidental take is prohibited under the MBTA.
- In response, FWS developed guidance and expanded policies and practices to reduce burdens (i.e. permits) for landowners to implement bird conservation strategies on a voluntary basis.
- There is still concern that there is inconsistency within the Department and among other Federal agencies causing confusion within industry and the general public.
- FWS is working with the Deputy Secretary's Office and the Solicitor's Office to determine if there is a need for a regulation that will codify the M-opinion.
- The issue remains controversial. To date, four conservation organizations and eight states have filed lawsuits against FWS and the Department to halt the M-Opinion's implementation.



ESA Update

FWS is dedicated to being a good neighbor and better partner to the communities in which we operate. The goal of all our work to improve ESA is to make it easier for people and wildlife to coexist, and to accelerate recovery of listed species.

FWS Actions

- Proposed changes to ESA sections 4 and 7 to improve how we list species, designate critical habitat, and conduct consultations
- Recently withdrew two policies governing mitigation and reinstated our 1981 Mitigation Policy to ensure when mitigation is commensurate with expected impacts.

Legislation

- House 9 targeted bills to amend aspects of ESA reported out of Committee
- Senate A comprehensive ESA bill is being discussed but has yet to be introduced
- There are also a large number of ESA riders to larger bills (i.e. appropriations bills), that address numerous specific issues such as the list status of individual species and consultation process for specific activities.



Joint Administrative Operations

- In the FY 2019 budget request, FWS proposed to consolidate its administrative functions across headquarters and the regions, called Joint Administrative Operations (JAO).
- Specifically, it will result in a streamlined administrative organization that:
 - Provides better services and smarter solutions;
 - Cultivates and invests in a dynamic workforce;
 - Fosters an adaptive culture that encourages innovation; and,
 - Establishes a sustainable funding framework that maximizes resources.
- To date, through a combination of attrition, contract review and other efforts, FWS
 has reduced costs by \$8M annually.
- Over the course of FY 2019, FWS will implement the JAO consolidation to provide shared services for all headquarters and regional organizations.
- This effort is independent of the Secretary's vision for DOI Unified Regions



DOI Unified Regional Map

12 Unified Regions Based on Watersheds



DOI Unified Regions

Focus Areas, Region by Region:

- Mission Functions
 - Collaborative Conservation
 - Recreation
 - Permitting
- Support Functions
 - Human Resource Management
 - Procurement
 - Information Technology (IT)

Goals: One DOI for:

- Empowered regional leadership teams
- Decisions better reflecting local conditions and challenges
- Improved communication, level of service, stakeholder relations





Thank You!



From: Greg Sheehan
To: Timothy Male

Subject: Re: [EXTERNAL] My thanks

Date: Thursday, August 16, 2018 8:10:40 AM

Thank you Tim for the very kind email.

You have been such a champion of bringing reason to processes and programs in the federal government. Your organization that appears to be quite successful in its early stages is bringing a balanced and thoughtful conversation to ESA and I hope you can build on this. I enjoyed your synopsis of the proposed ESA changes and even used thoughts for it in a talk I recently delivered.

I hope our paths will cross again soon.

My personal contact information is <u>@gmail.com</u> and cell is <u>@gmail.com</u>

Thank you again for all your friendship to me over the years. Greg

Greg Sheehan Principle Deputy Director U.S. Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, D.C. 20250 202-208-4545 Office 202-676-7675 Cell

On Aug 14, 2018, at 10:42 AM, Timothy Male < tmale@policyinnovation.org > wrote:

Hi Greg,

I was really sorry to see the announcement of your planned departure. Thank you so much for your service to the nation's wildlife and the reasonable approach you brought to managing the FWS in difficult times. If you have time before you go for a breakfast or lunch, I'd welcome the chance to say thank you in person.

There are way too many divisions among all the people who have dedicated their careers to wildlife. State wildlife agencies who are leading efforts to serve constituents and manage game and non-game species. Scientists at educational institutions who study biodiversity and conservation strategies. Federal agencies working to address a different set of constituencies and mandates associated with wildlife. Advocates who represent non-profits or for-profits with a position on wildlife. Business leaders trying to make a product in a way that maximizes other benefits or at least minimizes harm and go home, just like the rest of us, to kids who they want to be able to tell they are leaving the planet and its people better off. To an outsider (or a Martian), all of us are working on the very same thing and probably share 90% of the professional DNA that



makes us get up in the morning eager to get to work. It's always so frustrating to me that the 10% of differences that remain are allowed to create such chasms in what could otherwise be stronger shared agendas.

Best to you, Greg! And I don't know when your last day is, but if there is anything I can help with between now and then, please let me know.

Cheers,

Tim

Timothy Male
Executive Director
Environmental Policy Innovation Center
1015 15th Street NW, Suite 600
Washington, DC 20005

(m) 240-274-0341

(e) tmale@policyinnovation.org

(w) www.policyinnovation.org

<image003.jpg>



From: Jim Kurth
To: Alan Mintz

 Cc:
 Frazer, Gary; Lois Wellman

 Subject:
 Re: [EXTERNAL] New matter

 Date:
 Tuesday, April 17, 2018 8:25:29 AM

Great, see you then.

Sent from my iPhone

On Apr 17, 2018, at 9:14 AM, Alan Mintz < alm@vnf.com > wrote:

That date and time should work well for us as well. Unless I hear otherwise, we will plan to meet both of you at the USFWS offices at the DOI next Monday at 2 p.m.

I look forward to seeing both of you then. Thanks.

From: Frazer, Gary [mailto:gary frazer@fws.gov]

Sent: Monday, April 16, 2018 9:33 PM

To: Jim Kurth

Cc: Alan Mintz; Lois Wellman

Subject: Re: [EXTERNAL] New matter

2p on the 23rd will work for me. -- GDF

Gary Frazer Assistant Director -- Ecological Services U.S. Fish and Wildlife Service (202) 208-4646

On Mon, Apr 16, 2018 at 4:06 PM, Jim Kurth < jim_kurth@fws.gov > wrote: Does 2:00 pm Monday the 23rd work?

Sent from my iPhone

On Apr 16, 2018, at 3:54 PM, Alan Mintz < alm@vnf.com > wrote:

Any chance that we can get together next Monday, April 23? Our client will be in town on that date and our schedule is fairly flexible.

Please let me know if a meeting next Monday might work for the two of you.

Thanks.

Sent from my iPhone

On Apr 12, 2018, at 3:45 PM, Jim Kurth < <u>jim_kurth@fws.gov</u>> wrote:

Alan,



I would be happy to sit in on a meeting, but Gary Frazer is the HQ executive with the knowledge and expertise. I am copying him on this reply. He should definitely be invited to any meeting. We could include our regional experts on the phone if you would like. Let me know how you want to precede. jim

Sent from my iPhone

On Apr 12, 2018, at 3:37 PM, Alan Mintz <alm@vnf.com> wrote:

Jim,

I hope that you are doing well. It has been a while since we have had a chance to catch up.

I have a new matter that has arisen at our law firm, and I seek your advice and counsel how best to proceed. We represent the City of Tallahassee with respect to a FERC-licensed hydroelectric facility in Florida that the City would like to shut down. The dam itself is owned by the State of Florida, but the City has the FERC license to generate the power.

The City is engaged with the FERC on the de-licensing of the facility. My colleagues, in discussing this matter with the FERC, have learned that local USFWS staff have raised concerns regarding the impact of the closing of the hydroelectric facility might have on endangered species below the dam, even though the State would continue to operate the dam (and the reservoir behind the dam) without significant changes to the water flow from the dam.

I have suggested that the City might want to meet with senior USFWS officials to advise them of this matter and to seek their counsel. Would this be a matter in which you might have an interest? If so, we would be delighted to meet with you at your convenience. Otherwise, please let me know who you think would be the best person in your office with whom to discuss this matter further.



I look forward to hearing from you, and hope to have a chance to get together sometime soon. Meanwhile, thanks, as always, for your good advice and counsel.

Thanks.

Alan L. Mintz
Partner
Van Ness Feldman, LLP
1050 Thomas Jefferson Street, N.W.
Washington, D.C. 20007

Direct line – 202-298-1837 Cell – 202-257-7175 alm@vnf.com

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From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: Samantha McDonald

Subject: Re: [EXTERNAL] RE: Meeting Request for 4/26 Date: Monday, March 26, 2018 8:07:19 AM

Sounds great. Thanks

On Mon, Mar 26, 2018 at 9:05 AM, Samantha McDonald < SMcDonald@ipaa.org> wrote:

Perfect! Yes—that we'll work, but we'll plan to use only 30 minutes, I imagine many will have to get to the airport and I promised we'd finish our meetings by 4PM.

Thank you. I look forward to our meeting.

From: Sheehan, Gregory [mailto:greg j sheehan@fws.gov]

Sent: Monday, March 26, 2018 9:03 AM

To: Samantha McDonald < <u>SMcDonald@ipaa.org</u>>

Cc: Roslyn Sellars < roslyn_sellars@fws.gov>; Thomas Irwin < thomas_irwin@fws.gov>

Subject: Re: Meeting Request for 4/26

Hi Samantha.

I believe that I could meet at 3:30 pm that day for 45 minutes. I don't believe that I would have any other time blocks on that day. Let me know if that works. I have CC'd my assistance for confirmation on your reply.

Thank you,

Greg

On Thu, Mar 22, 2018 at 11:03 AM, Samantha McDonald < SMcDonald@ipaa.org > wrote:

Greg,

As you may know, IPAA has an active wildlife task force. Several of my experts will be in town on Thursday, April 26th. Would you be available to meet with us sometime that day? The attendees currently include the following individuals, though I expect some will drop off as the day gets closer:



Attendees:
Suzi Holland, Chevron
Brian Woodard or Cassi Moore, Chesapeake
Nick Owens Anadarko
Greg Schrab, SM Energy
Wendy Kirchoff, Noble Energy
Chris Jensen, BP
Spencer Kimball, EOG Resources
Tripp Parks, Western Energy Alliance (fellow allied trade)
Dan Naatz, IPAA
*Samantha McDonald, IPAA
Subjects:
1. MBTA
2. Mitigation
*Scheduling Contact: Sam McDonald smcdonald@ipaa.org 202-857-4702
Day of Contact: Sam McDonald (cell) (5)(6)
Thanks in advance for the consideration of this request.
Best,
Sam



Samantha McDonald

Director of Government Relations

Independent Petroleum Association of America

(202)857-4722 / Visit IPAA / Visit ESA Watch



--

Greg Sheehan

Principal Deputy Director

US Fish and Wildlife Service

1849 C Street NW, Room 3358

Washington, DC 20240

202-208-4545

--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Guertin, Stephen
To: Don Jodrey

Subject: Re: [EXTERNAL] South Florida Ecosystem Restoration Task Force

Date: Thursday, July 26, 2018 11:22:49 AM

Hey Don

Thanks for your email and the link to your op-ed piece in the Miami Herald.

We'll do the best we can to prioritize Everglades restoration in our preparation of the next budget estimates. As I'm sure you're seeing, though, the math is not on our side with the funding targets we get from the OMB. However, we will do our best.

Steve

On Wed, Jul 25, 2018 at 4:59 AM, Don Jodrey < @gmail.com wrote: Dear Steve -

It was great seeing you in the Main Interior Building the other day. I hope that things are going well for you. We have known each other a very long time.

In my capacity as senior advisor to the Chair of the South Florida Ecosystem Restoration Task Force I have witnessed and assisted with the development of the legal framework to ensure the restoration of the greater Everglades ecosystem. The Fish and Wildlife Service has significant trust resources in this region with respect to lands managed by the Service as well as species that are guaranteed protection under the Endangered Species Act. In addition, the Service, through lands managed at A.R.M. Loxahatchee National Wildlife Refuge, is the beneficiary of legal protections under the Everglades Consent Decree to ensure that sufficient supplies of clean fresh water are delivered so as to ensure the health of the refuge and that protection will continue until such time as the State of Florida achieves water quality standards.

I am sure that the Service is doing its utmost best to stay abreast of all the work in the Everglades and is a full partner in this effort and I would encourage you, in your position as deputy director, to make sure that the Director is fully briefed and engaged so as to advocate to the Department and OMB the need for sufficient funding so that the Service may carry out is responsibilities.

Given that the budget preparation is underway now for the FY 2020 President's Budget I am writing to you to underscore that point and to share with you and OpEd that I published in yesterday's Miami Herald concerning the Everglades Task Force meeting today in the Main Interior Building.

If you have any questions about how the Everglades is doing I am happy to assist you. I worked for the Immediate Office of the Secretary from 1998 until 2015 on this effort which is a very long time to serve top political appointees and I have a good view of what is required and I am happy to help the Service with this effort, as always.

The OpEd link is below and I hope that you will circulate my email to the Director and others who may be interested in this. I've copied Olivia Ferriter as well as my OpEd



contains budgetary recommendations.

Presently I am a law professor and I can assure you that things are going very well.

best

Don Jodrey

http://amp miamiherald.com/opinion/op-ed/article215395430 html



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>Miranda Green</u>; <u>Shire</u>, <u>Gavin</u>

Subject: Re: [EXTERNAL] Talking to you about ESA initiatives

Date: Monday, May 28, 2018 9:05:27 PM

Hi Miranda

Good to hear from you. I have CC'd Gavin Shire who I believe you know with our communications team.

The FWS has not released any proposed rule changes publicly yet, but as the media was made aware there are proposed modifications being contemplated through our internal federal system.

It would probably not be proper for me to do an interview on rules that are literally not finalized for public comment, or even once out on the street to discuss expected outcomes, and hence look predecisional without first processing public comments.

Certainly ESA regulations reflect a basket of law, court actions, and internal processes that collectively address conditions effecting the management of many species. Without getting myself in trouble with our talented media staff I will defer to them for the best time to formally discuss these actions that may potentially modify existing rules.

Thanks Greg

On Fri, May 18, 2018 at 2:20 PM, Miranda Green < mgreen@thehill.com > wrote:

Hi Greg,

Hope all is well since we last talked. I was hoping to talk to you about about new initiatives the Fish and Wildlife Service appears to be making to streamline regulations under the Endangered Species Act. I noticed a number of new rule proposals and memorandum from the agency looking to cut back on what some would call burdensome and redundant regulations regarding take, some of which I've written about before. I'm looking to do a bigger piece about the push and hoped to include your voice in it.

Let me know if you have time to talk.

Best,

Miranda

--

Miranda Green

Energy and Environment Reporter, The Hill

202-999-0660

mgreen@thehill.com

@mirandacgreen



Greg Sheehan

Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



Thank you Craig. Very helpful information

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office

On May 2, 2018, at 6 09 PM, Craig TheButterflyman (b) (6) @gmail.com> wrote

Hi Mr Sheehan.

Unfortunately the lifers below you at FWS probably haven t told you about me or the truth about the abundance of native milkweed already on the landscape on the monarchs eastern range.

You see Mr. Sheehan, the last catastrophic drought in North America occurred between 2010-13 Tm going to assume you don't understand how that affects the food chain of wild creatures and the monarch is no exception. If you are To use et al. checute in the language and the language an

Catastrophic drought is when FWS starts rubbing their hands together and starts telling .NGOs to start writing petitions to review listing. The public is stupid, they won't know the difference, right Mr. Sheehan? The agencies and .NGOs need funded right. How about Scott Pruitt, are you hoping he stays or goes. He knows a lot about this and the sue and settle end of it doesn't he Mr Sheehan. Are you in agreement with him Mr. Sheehan?

Of course Dan Ashe came out and said FWS and it's NGO. MJV partners planted 250k acres of native milkweed although no one seems to be able to find it. Of course Dan Ashe is a liar. Are you a liar too Mr. Sheehan or do you just shut up about things you gave no idea about ?

I'm assuming you haven't had your head up your ass because every picture I've seen of you has your head showing.

I'm going to give you a way you can save face and actually help the monarchs and other Lepidoptera increase and not mess up your little dance with the states and NFWF and their Feds, private donations/ state, NGO matching funds

My nearest estimate is over 40,000 citizens raised and released different numbers of monarchs last season. Up from 20,000 the season before. This year it should double again. They are doing this by going into their gardens and finding eggs and caterpillars, bringing them indoors, and protecting them from predators and releasing them when they reach flight stage. At least 97% of eggs laid don't reach flight stage in the wild. Predators, of course, is what monarch numbers down.

The last 2 counts in Mexico have been down for various reasons sir. One thing for sure, it's not for lack of milkweed and I can prove it.

Monarchs lay on milkweed mainly in Texas, Oklahoma, and Kansas when they arrive in the US after overwintering in Mexico. They are gone now to the summer breeding grounds and most of the milkweed in these southern states still has its stems and leaves and shows no caterpillar damage. Now I want you to stop and think what that means.

If you sit down at the table full of food with your family and there's lots of food left when you're all full, that means there was tooooo much food for you and your family and plenty more for other people. GET IT! Below is a map from 2016 where I documented milkweed along the 1-35 corridor from San Antonio to Iowa. Lots of untouched milkweed.

I did the same thing when the monarchs had already gotten up from the table and flew to Mexico in the middle of September. Lots of milkweed and goldenrod and other nectar sources blooming. I have more videos from the Midwest and Northeast and will be happy to get more this September to demonstrate what I say.

I haven't ever heard of anyone, except our scientists at our universities in a Texas, going out and observing milkweed still leafing and undamaged after the monarch caterpillars have gotten up from the table and that's becar d/u/0/edit?mid=1pog1Dkr-11e6Pz_hQKud49h1i3s&ll=35 2110938071696%2C-88 28016760000003&z

I and most of the "real" monarch butterfly enthusiasts would like Fish and wildlife and its NGO partners at Monarch Joint Venture to promote predator protected rearing in hatcheries for release and stop wasting government time and taxpayer money promoting planting weeds and nectar sources monarchs and other pollinators don't need out in the middle of nowhere and promote home pollinator gardens where there's a supplemental water source available to water the plants when the next catastrophic drought comes.

Everyone in Monarch Joint Venture will try to convince you different because their livelihood depends on it. The real monarch and pollinator enthusiasts, private citizens, spend their own time and treasure doing the only logical thing to protect monarchs and other butterflies and the lead group in Minnesota minimizes the raising and releasing aspect of recovery and actually condemns "mass" rearing and passes it done the line, and nothing could be farther from the to protect monarch truth Mr. Sheehan.

Fish and Wildlife was founded with a \$15,000 appropriation to build salmon hatcheries. Let's raise and release butterflies. we will do it with our own money. You just approve it like Chuck Sexton, the biologist at Balcones Canyonlands and Rob Iski and I did in 2006. The pictures are below. I brought in a Hatchery full of plants with eggs on them, and Chuck observed as they turned into 40 perfect chrysalis. When they came out, we tagged and released them on refuge day 2006. Here's a mini documentary (5 mins).

There's much more! I challenge you to call me and get your best monarch experts on the phone and I will be happy to debate them with facts and figures. You record it and I will back everything I say with charts graphs and video proof. They all know me and not one of them will debate me because they all know I speak the truth and they don't. Below is my partial monarch resume.

Thank you for reading this Mr. Sheehan. IF YOU EVER SAW IT !!!! <IMG_0053.jpg> <IMG_0052.jpg>

Craig the Butterflyman. Craig Oveson. Www.CraigtheButterflyman.com

Genesis 2 15 New King James Version (NKJV) 15 Then the Lord God took the man and put him in the garden of Eden to tend and keep it.

Philippians 4 8 New King James Version (NKJV)

Meditate on These Things
8 Finally, brethren, whatever things are true, whatever things are noble, whatever things are just, whatever things are pure, whatever things are lovely, whatever things are of good report, if there is any virtue and if there is anything praiseworthy-meditate on these things.

Inline image

Craig Oveson
February 25 at 7 08am · Houston, TX ·
RESUME; Craig The Butterflyman;

Please view this first

Texas Representative Tony Dale; https://www.youtube.com/watch/v=kxylk/ge5kU

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Texas State Comptroller Taskforce; I attend regular state comptroller task force meetings on threatened and endangered species and advise the board. We have a robust wildlife protection program headed up by

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process.

Two been recognized for bringing state agencies and NGOs, together for monarch butterfly conservation The administrators at lady bird Johnson wildfower center www.wildflower.org precognized me for putting them together with Texas Parks and Wildlife and involving them with former First Lady Laura Bushes NGO, www.TexanbyNature.orgs Pexan By Nature www.texanbynature.orgs Pew align the broad interests of conservation groups with business, health care, schools, the scientific community, and faith-based organizations. https://www.texanbynature.orgs Pexan By Nature www.texanbynature.orgs Pew align the broad interests of conservation groups with business, health care, schools, the scientific community, and faith-based organizations. https://www.texanbynature.orgs Pexan By Nature https://www.texanbynature.o

vast ...
Craig.
Thanks so very much for you continued support of the Wildflower Center. We really appreciate your help. Thanks to you, we made that wonderful connection with David Eichler and the Texas Parks and Wildlife Department. As a result, we were invited to participate in the Texas Monarch and Native Pollinator Conservation Action Plan. Now THAT'S CONSERVATION IN ACTION!
Best wishes.
Karen H. Clary, Ph.D.
Senior Program Manager, Plant Conservation
UT-Lady Bird Johnson Wildflower Center
480 La Crosse Avenue
Austin, TX 78739
S12, 232,0160

512-23-20100
My greatest accomplishment by far in monarchy has been providing an educational properties butterfly experience, in all stages, to 10's of thousands of Texas children hopefully to encourage them later in life to support conservation of the creatures we've been entrusted with;

Planted miles of pollinator habitot, https://doi.org/10.11/20.2016/j.com/./resident-helps-with-pond-springs-r.../



FACEBOOK https://www.facebook.com/pages/Plant-Milkyced/34313773539458?
ref=ep/aw/Oilvel_liswlj/wm/Ty/MT2ShTawnYmli_ib/ClxcylfolkpUVnKVEIS/VUd4aGiJuUWnNakIOYVd4cmQyVmxaQ1V5TWIVMVIBIiwiZ3YiOil5NGFkMGEINTEZZDdhOGQ3YThbZWZiMmY4M2FhZjIJOGU0MjRiMjU2In0
The local Austin PBS channel RLRI produced a bort documentary about the monarch butterfly. We were some of the human participates. We were chosen with the recommendation of the federal refuge Balcones Canyonlands administrators. www.youtube.com/watch/v=if09awvVaDov_U use it to introduce myself and it gives me further credibility in the conservation community and schools. (6 Minutes:)
We've also taken the mobile butterfly sanctuary to many events including Museum Day at the introduce myself and it gives me further credibility in the conservation community and schools. (6 Minutes:)
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We've large free work and the monarch and its migration.
We have many educational videos online at my youtube com/channel/UCaBITMMmxEix WwgTP9/DOG6
We also represented the State of Treass in the International let the last 2 years of "The Texas Outdoor Expo" at TPWD. We were next to the Mexican delegation representing the Biosphere Preserve in the monarch overwithers. We've perfected a simple ecologically and scientifically monitored and approved butterfly hatchery system to demonstrate to citizen scientist how they can protect the stages of monarch butterflies. https://www.naclub.com/watch/vicenter/stages/fines/f

Texas Representative Tony Dale / Craig The Butterflyman Tony Dale and Craig the Butterflyman work together to... **YOUTUBE COM**



From: Sheehan, Gregory
To: Frediani-intern, Virginia

Cc: greg_sheehan@fws.gov; Cynthia Martinez

Subject: Re: [EXTERNAL] Voluntary Conservation for Black-footed ferret Recovery

Date: Tuesday, July 3, 2018 8:05:32 AM

Hi Virginia

Thank you for your email. I believe that we already have landowner incentive programs in place at the FWS for the BFF.

I have CC'd our Refuge Assistant Director, Cynthia Martinez, who could provide you with more details than I about programs such as our Partners Program.

Hope this helps get the information you need. Thanks for your interest and efforts on the Ferret research.

Thanks Greg Sheehan

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Jul 2, 2018, at 1:25 PM, Frediani-intern, Virginia < <u>Virginia.Frediani-intern@wwfus.org</u>> wrote:

To Greg,

My name is Virginia Frediani and I am a graduate student interning with Kristy Bly and the World Wildlife Fund on their black-footed ferret program. I am researching voluntary conservation programs for landowners to determine if any of those programs could be applicable for black-footed ferret recovery. My research encompasses NRCS programs, endangered species tax credits/deductions, wildlife/livestock certifications and premiums, grass and conservation banking, tribal grants and incentives, and other programs ranging from FWS landowner programs to conservation easements. I wanted to see if you had some time to speak with me about the feasibility of some of these programs for black-footed ferret recovery.

I would greatly appreciate any time and information on these programs you are able to share as I hope to gain a better perspective of which programs could help recover ferrets.

Best,

Virginia Frediani



From: Greg Sheehan
To: Ron Regan

Cc: Nick Wiley; Angela Rivas Nelson

Subject: Re: AFWA Meeting with Secretary Zinke

Date: Friday, August 18, 2017 5:56:37 AM

Thanks Ron. This is most helpful.

Did you ask Leila about considering Secretary Zinke for the Tuesday evening dinner at AFWA?
Thanks
Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Aug 17, 2017, at 1:28 PM, Ron Regan < Regan@fishwildlife.org > wrote:

Greg:

I have been trading emails with Leila this morning. Our meeting with Secretary Zinke is for 30 minutes. It is my understanding that Casey and Todd will join you. She is going to query the three of you to see if you can meet with the AFWA folks for an extra 30 minutes.

Nick and I talked this morning and we have a good handle on how to best use our time the Secretary. It will be good. I am working on setting up a dinner for Wednesday evening for Chris Oliver, Don Peay, the state directors in town, and you. Details on that will come from Nick later today.

Here is some narrative that you can use for the briefing note – edit at will! – I tried to write it as if it were coming from you.

The Association of Fish and Wildlife Agencies represents state fish and wildlife agencies on national policy. All of the 50 states are members as are most of the Canadian provinces and territories. The Association was founded in the west – Mammoth Hot Springs, Yellowstone National Park, in 1902. That first meeting was convened by Montana's first state game warden, Mr. W.F. Scott.

The Association is eager to meet with you because state fish and wildlife agencies are "first partners" in thinking about the delivery of fish and wildlife management in our nation. Indeed, given the deterioration of relationships with the previous Administration, at a national scale, I am sure the Association will extend a strong hand of partnership for our collective work in the future. Some principal points of



intersection or collaboration that may come up include ESA reform, funding, and management of fish and wildlife on federal lands. The Association's Leadership – its President, Chairman, and Treasurer – Nick Wiley, Glenn Normandeau, and Bob Broscheid, the state fish and wildlife agency directors from Florida, New Hampshire, and Colorado, respectively will be at the meeting. They will be joined by the Association's Executive Director, Ron Regan, and the Chairman of the Florida Fish and Wildlife Conservation Commission, Brian Yablonski.

I worked with the Association a lot when I was the state director in Utah. In fact, I served on the Executive Committee and I chaired the Threatened and Endangered Species Committee. This is a highly trusted and respected organization within and outside the beltway that pays substantive attention to traditional sportsmen's issues and values. Given the Association's professional standing in our community, and the legal mandate of its members state agencies to manage fish and wildlife within their borders, this is a highly timely and important meeting.

I hope this helpful, Greg,

Ron

Ronald J. Regan
Executive Director
Association of Fish and Wildlife Agencies
1100 First Street NE, Suite 825
Washington, DC 20002
Office: 202.838.3465

Cell: 202.295.7528



From: <u>Greg Sheehan</u>
To: <u>Robert Henneke</u>

Subject: Re: calculation of acreage under Texas Conservation Plan for the dunes sagebrush lizard

Date: Sunday, December 10, 2017 7:51:25 PM

Hi Rob.

I apologize for my delayed response. I know you have reached out a couple times now and I've not gotten back to you. So let's get caught up. Could you talk on the phone tomorrow at 1:30- 2 pm EST.

Thanks Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Dec 9, 2017, at 1:50 AM, Robert Henneke < rhenneke@texaspolicy.com> wrote:

Greg,

I wanted to reach out to see if we could schedule a time for a call before Christmas to discuss USFWS review of this issue. I know you have a lot on your plate, but wanted to confirm that USFWS was reviewing the Foundation's questions and was working on a response. Please let me know if you'd have a few minutes this week to discuss.

Thanks,

Rob

From: Robert Henneke < rhenneke@texaspolicy.com >

Date: Monday, November 20, 2017 at 5:03 PM **To:** "Sheehan, Greg" < greg i sheehan@fws.gov>

Subject: Re: calculation of acreage under Texas Conservation Plan for the dunes

sagebrush lizard

Greg,

Unfortunately, I have not been able to get any response. I have tried to call and email Ms. Lueders since your reply below earlier this month.

I know how much your agency has on its plate. But, especially with the current controversy involving the DSL in the Permian Basin, it's critically important that the Texas Conservation Plan be administered correctly. I appreciate your assistance in



obtaining a response to our questions below.

Thanks,

Rob

From: Greg Sheehan <<u>gregory_sheehan@fws.gov</u>> on behalf of "Sheehan, Greg" <<u>greg_j_sheehan@fws.gov</u>>

Date: Sunday, November 5, 2017 at 7:33 PM

To: Robert Henneke < <u>rhenneke@texaspolicy.com</u>>

Subject: Re: calculation of acreage under Texas Conservation Plan for the dunes

sagebrush lizard

Hi Rob

Let me know if you aren't getting the response timely from our folks.

Thanks

Greg

On Tue, Oct 31, 2017 at 11:03 AM, Robert Henneke <<u>rhenneke@texaspolicy.com</u>> wrote:

Greg, thank you for your quick response. I appreciate your attention to the DSL conservation effort and look forward to Gary & Amy's further response.

Rob

From: "Sheehan, Gregory" < greg j sheehan@fws.gov>

Date: Monday, October 30, 2017 at 8:11 PM

To: Robert Henneke < <u>rhenneke@texaspolicy.com</u>>

Cc: "Gary_Frazer@fws.gov" < Gary_Frazer@fws.gov">, "Amy_Lueders@fws.gov" < Amv_Lueders@fws.gov>

Subject: Re: calculation of acreage under Texas Conservation Plan for the dunes sagebrush lizard

Thank you Rob for your letter. We are glad that you continue to keep a careful on the plan and strategies to ensure that the best and most accurate practices are employed. I will allow Gary and Amy to converse and respond back to you on the calculation that you asked about.

Thanks for your good work on the Sand Dune Lizard conservation effort. Greg



On Mon, Oct 30, 2017 at 5:10 PM, Robert Henneke <<u>rhenneke@texaspolicy.com</u>> wrote:

Mr. Sheehan,

We spoke a few months ago about the dunes sagebrush lizard (DSL) and its history of attempted regulation under the Endangered Species Act. As we discussed, I serve as the General Counsel at the Texas Public Policy Foundation (TPPF). TPPF is a non-profit, non-partisan research institute based in Austin, Texas. The Foundation's mission is to promote and defend liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach. One of our research centers focuses on energy and environmental regulatory policymaking, including the Endangered Species Act (ESA). In 2012, TPPF was active as an advocate for limited government, Tenth Amendment principles in support of the creation of the Texas Conservation Plan (TCP) in lieu of ESA listing of the DSL.

As you are aware, considerable attention has been focused recently on both the DSL and TCP due to the growth of the frac-sand mining industry in the Permian Basin area. Part of the recent public discussion has involved debate over the amount of acreage currently and potentially impacted and the correct methodology to calculate impacted acreage under the Texas Conservation Plan. As you undoubtedly know, the TCP is the agreed upon document supported by USFWS, the participants, and the Texas Comptroller and has been subsequently twice upheld by the D.C. Circuit Court (September 30, 2014) and the U.S. Court of Appeals for the D.C. Circuit (March 1, 2016).

In its July 2017, Report, Bio-West reported 2,378 acres of surface disturbances occurring in DSL habitat by oil and gas development (attached, p. 11-12). Bio-West is the TCP administrator contracted by the Texas Comptroller, the permit holder for the TCP. As reported by Texas State University, this calculation appears based upon extension of the New Mexico lizard habitat model.

http://www.txstate.edu/news/news_releases/news_archive/2017/February-2017/SagebrushLizard022117.html. However, the TCP does not follow the New Mexico DSL habitat model approach. Instead as set forth in the TCP section 12.2 (page 76), the TCP calculates impacted acreage under the "Tiered Buffer Approach." "Because of the scientific uncertainty and lack of research specifically related to what buffer distances would benefit the DSL, the stakeholders determined that a tiered buffer coupled with tiered mitigation would maximize mitigation in a practical and flexible approach." (TCP Section 12.2, p. 76). The TCP Tiered Buffer Approach accounts for decreasing indirect effects on the DSL with increasing distance from DLS habitat. If the impact is outside of DSL habitat but within 200 meters of habitat, the acreage of impact is multiplied by the appropriate equivalence factor. Under the TCP, these impacts are quantified during an on-site Impact Assessment on a case-by-case basis (see TCP, Appendix



F). However, page 3 of Bio-West's July Report references utilization of a 200 meter buffer of the Habitat Management Units that treat all area within the buffer as impacted. This is the New Mexico model, not the Tiered Buffer Approach. Based on our calculations, accounting for the TCP Tiered Buffer Approach, instead of the New Mexico model, would reduce Bio-West's estimate in its July 2017, Report of surface disturbances caused by oil and gas from 2,378 acres to 1,775 acres. Our concern is that Bio-West's use of the improper metric will result in faulty data relied upon as true, which may undermine future defense of the TCP. I would appreciate USFWS' opinion on whether Bio-West's July 2017, Report applies the correct standard for calculating impacted acreage under the TCP.

On a related issue, the Texas Comptroller's office in June 2017, published a presentation on *Recent Developments in the Texas Conservation Plan*. In describing the potential impact of frac-sand mining operations, the Texas Comptroller's office published the following chart (attached) that approximates impacted area apparently as the total acreage utilized over the lifetime of the mining operation and excludes any reclaimed area. These totals have been reported as allegedly showing that sand mining operations would exceed the acreage allowed under the TCP. However, the actual impacted area will only grow over the next years and decades if the projections are correct (also depending upon application of the correct model). I would also appreciate USFWS's opinion on: in the event frac-sand mining operations are admitted under the TCP, is impacted acreage calculated under the TCP based upon actual disturbed area on an annual basis or based upon the total acreage controlled by a sand mining operation?

As you can see, the correct application of the TCP assessment of impacted DSL habitat will significantly influence the correct calculation of utilized and available acreage available under the TCP. The Foundation desires to see the TCP correctly administered. To the extent that any ambiguities exist, it may be proper for USFWS to address the proper interpretation and methodology under the TCP. I appreciate your consideration and would welcome the opportunity to discuss further if you have any questions.

Sincerely,

Rob Henneke

++++++++++++++++++

Robert Henneke
General Counsel &
Director, Center for the American Future
Texas Public Policy Foundation
901 Congress Avenue
Austin, Texas 78701



(512) 472-2700 (o)
rhenneke@texaspolicy.com
www.americanfuture.com
facebook.com/centerfortheamericanfuture
@robhenneke

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Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
1849 C Street NW, Room 3358
Washington, DC 20240
202-208-4545

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Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
1849 C Street NW, Room 3358
Washington, DC 20240
Office 202-208-4545
Cell 202-676-7675



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: Robert Henneke

Subject: Re: calculation of acreage under Texas Conservation Plan for the dunes sagebrush lizard

Date: Tuesday, December 12, 2017 11:33:58 AM

Thanks Rob. Please let me know if you have more questions.

Thanks Greg

On Tue, Dec 12, 2017 at 12:31 PM, Robert Henneke < rhenneke@texaspolicy.com> wrote:

Greg, I had a productive call with Amy this morning. She has promised to circle back to me after the new year with more information after she has discussed with USFWS staff. I had the chance to share our ideas on possible solutions moving forward and made her aware of some facts that appeared different than USFWS' current understanding. Thank you for allowing us to share our thoughts in this matter and for connecting me with her.

Rob

From: Greg Sheehan < greg j sheehan@fws.gov> Date: Sunday, December 10, 2017 at 7:51 PM

To: Robert Henneke < rhenneke@texaspolicy.com>

Subject: Re: calculation of acreage under Texas Conservation Plan for the dunes sagebrush lizard

Hi Rob.

I apologize for my delayed response. I know you have reached out a couple times now and I've not gotten back to you. So let's get caught up. Could you talk on the phone tomorrow at 1:30- 2 pm EST.

Thanks

Greg

Greg Sheehan

Principal Deputy Director

US Fish and Wildlife Service



202-208-4545 office

202-676-7675 cell

On Dec 9, 2017, at 1:50 AM, Robert Henneke <<u>rhenneke@texaspolicy.com</u>> wrote:

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From: Robert Henneke < rhenneke@texaspolicy.com >

Date: Monday, November 20, 2017 at 5:03 PM **To:** "Sheehan, Greg" < <u>greg_j_sheehan@fws.gov</u>>

Subject: Re: calculation of acreage under Texas Conservation Plan for the

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Greg,

Unfortunately, I have not been able to get any response. I have tried to call and email Ms. Lueders since your reply below earlier this month.

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Thanks, Rob From: Greg Sheehan < gregory sheehan@fws.gov > on behalf of "Sheehan, Greg" < greg j sheehan@fws.gov> Date: Sunday, November 5, 2017 at 7:33 PM **To:** Robert Henneke < rhenneke@texaspolicy.com > Subject: Re: calculation of acreage under Texas Conservation Plan for the dunes sagebrush lizard Hi Rob Let me know if you aren't getting the response timely from our folks. Thanks Greg On Tue, Oct 31, 2017 at 11:03 AM, Robert Henneke <<u>rhenneke@texaspolicy.com</u>> wrote: Greg, thank you for your quick response. I appreciate your attention to the DSL conservation effort and look forward to Gary & Amy's further response. Rob

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Date: Monday, October 30, 2017 at 8:11 PM

To: Robert Henneke < rhenneke@texaspolicy.com>

Cc: "Gary_Frazer@fws.gov" < Gary_Frazer@fws.gov>,
"Amy_Lueders@fws.gov" < Amy_Lueders@fws.gov>

Subject: Re: calculation of acreage under Texas Conservation Plan for the

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Director, Center for the American Future

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@robhenneke

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--

Greg Sheehan

Principal Deputy Director

US Fish and Wildlife Service

1849 C Street NW, Room 3358

Washington, DC 20240

202-208-4545

--

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Office 202-208-4545

Cell 202-676-7675



--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>John J. Jackson, III</u>

Subject: Re: Comment and Petition to Repeal FWS Special Rules

Date: Sunday, November 5, 2017 2:55:37 PM

Thank you John. We will be evaluating these and other rules within the FWS related to wildlife permitting.

Thanks Greg Sheehan

On Fri, Nov 3, 2017 at 5:08 PM, John J. Jackson, III < <u>iii@conservationforce.org</u>> wrote:

Dear Secretary Zinke:

Attached please find a Comment and Petition to repeal the special rules requiring proof of enhancement for threatened-listed species, which in most cases have violated the provisions of Section 9(c)(2) of the Endangered Species Act. This was filed today on the docket for U.S. Fish and Wildlife Service (FWS) Regulatory Reform, DOI-2017-003-0009.

Sincerely,

John J. Jackson, III

--

Conservation Force
3240 S I-10 Service Rd. W, Suite 200, Metairie, Louisiana 70001-6911, USA
Telephone: (504) 837-1233 • Fax: (504) 837-1145
jjj@conservationforce.org • www.conservationforce.org

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Greg Sheehan
To: Wiley, Nick

Cc: <u>Chris Oliver - NOAA Federal; Earl Comstock; Ron Regan</u>

Subject: Re: Connect

Date: Sunday, August 13, 2017 9:04:39 PM

Thanks Nick for setting up this connection. Perhaps we can get together soon to meet and discuss the joint task force and also our NMFS/FWS partnerships. Perhaps later in August would work when Nick is in town.

Thanks Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 202-676-7675 cell

```
> On Aug 13, 2017, at 4:36 PM, Wiley, Nick <Nick.Wiley@myfwc.com> wrote: > Thanks Chris!
```

> Nick Wiley

> Executive Director

> Florida Fish and Wildlife Conservation Commission

> MyFWC.com

>

>> On Aug 13, 2017, at 3:10 PM, Chris Oliver - NOAA Federal <chris.w.oliver@noaa.gov> wrote:

>> >> Nick

>> Yes I think I will b here that week

>> Will get back to confirm

>> Chris

>>

>> Sent from my iPad

>>

>>> On Aug 13, 2017, at 12:59 PM, Wiley, Nick <Nick.Wiley@myfwc.com> wrote:

>>>

>>> Hello Chris. I am sorry I can't be at the upcoming meeting with you guys. I do appreciate the effort to pull together the meeting with state directors. Jessica McCawley, our marine fisheries director, will be there, and I know she will do fine representing Florida interests. I want to continue to help build up these relationships and cooperation with NMFS. In this regard, I would still like to meet with you or set up a call to catch up on a few issues. I will be in DC August 23 and 24 if you are around.

>>>

>>> One item in particular I would like to discuss is our Joint Task Force on implementing the Endangered Species Act. I have served as a co-chair for this JTF for a number of years. The charter calls for three co-chairs including a state agency director, the Director for USFWS and the Administrator for NMFS.

>>>

>>> I don't know if you have heard about this JTF, but we have worked with NMFS staff on this over the years including Sam Rauch, Alan Risenhoover, and Angela Somma. Also I have copied Greg Sheehan (Acting Director USFWS) on this email so the two of you can connect if you haven't already. Greg served as a state agency representative on this JTF so he has a good perspective as well.

>>>

>>> We put this JTF on hold over the past year or so given the transition to the new administration. I believe there



is merit in moving forward and keeping this forum for state and federal agencies to work together on ESA issues. I also believe this is an opportunity to take a fresh look at the charter and determine if we should make changes to the scope and approach. We have learned a good bit over the years that could help us improve this JTF. I expect you can get background on this including a copy of the charter from Angela Somma.

>>>

>>> I will say NMFS staff have been supportive of this JTF even when most of the issues were more relevant to USFWS. So I appreciate their patience and support. I do believe we have an opportunity to beef up the charter and make this JTF more relevant and meaningful for you guys at NMFS as well as USFWS. Let's try to find time to discuss.

>>>

>>> I have copied Greg Sheehan on this email so he can weigh in on this as well. We will need USFWS to help us decide if and how we move forward with this JTF, and I welcome his thoughts.

>>>

- >>> And I bet you thought I wanted to talk about red snapper!
- >>> I look forward to catching up soon. Thank you! Nick

>>>

- >>> Nick Wiley
- >>> Executive Director
- >>> Florida Fish and Wildlife Conservation Commission
- >>> MyFWC.com



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>Frazer, Gary</u>
Cc: <u>Jen Mock Schaeffer</u>

Subject: Re: DRAFT AGENDA ITEMS for the AFWA Threatened & Endangered Species Policy Committee

Date: Monday, March 5, 2018 9:39:31 PM

Jen and Gary,

Scott Talbot sent me an email earlier asking me to attend and identifying several points that he would like me to speak to. I will try and see if I can stay on Friday. Gary would still need to answer many of the questions or help communicate some of the areas. Others I believe that I can adequately address.

I will let you know in the coming days. For now Jen please leave that time block on the agenda and we will fill it.

Thanks Greg

On Mon, Mar 5, 2018 at 10:29 PM, Frazer, Gary < gary_frazer@fws.gov > wrote:

Jen -- Greg does not expect to be able to stay at the North American through Friday, so will not be available for the 30 min slot on DOI and FWS priorities that you have on the agenda. I'm happy to cover if you want to fall back to a career grunt. Just let me know. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Fri, Mar 2, 2018 at 12:25 PM, Jen Mock Schaeffer < <u>JenMock@fishwildlife.org</u>> wrote:

Good morning Members of AFWA's Threatened & Endangered Species Policy Committee.

Please help me in welcoming Wyoming State Director Scott Talbott as our new committee chair. Mr. Eric Gardner from the Great State of Washington will remain our Vice Chair. Also, attached is a list of draft agenda items for our upcoming committee meeting which is schedule for Friday, March 30, 2018, from 8am-12pm at the 83rd North American Wildlife and Natural Resources Conference in Norfolk, VA.

I will work with our committee leadership to finalize the agenda as soon as possible. If you have any questions about the agenda or have a time sensitive topic that you would like discussed, please send it to me as soon as possible.



Finally, I want to point out that on Tuesday, March 27 from 8am-12pm, there is a workshop on "Improving Species Status Assessments Through Partner Expert Input" that you may want to consider attending.

Have a great weekend,

Jen

Jennifer Mock Schaeffer

Government Affairs Director

Association of Fish and Wildlife Agencies

We moved!

1100 First St., NE, Suite 825

Washington, DC 20002

New Office: 202-838-3468

Cell: 202-870-8062

Email: jenmock@fishwildlife.org

www.fishwildlife.org

--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Gregory Sheehan
To: Johnson, Virginia
Cc: Casey Hammond; Raymond A.

Subject: Re: E-introduction

Date: Thursday, July 6, 2017 9:55:21 PM

Let me know if that would work for you.

Hello Ray

I am looked my forward to meeting with you in person. While I don't know the details of the challenge that Virginia mentioned, I suspect to that it may have to do with If that is the case please know that I have been working to get up to speed on these matters. In fact I have another meeting to learn more of that topic tomorrow morning. Regardless of the concern I would like to know more. Perhaps we could meet in person during the week of July 17.

Thanks you, Greg

Greg Sheehan, Acting Director Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Jul 6, 2017, at 2:54 PM, Johnson, Virginia < virginia johnson@ios.doi.gov > wrote:

Hi, Greg and Casey.

I'd like to "introduce" you to my friend Ray Starling who is Special Assistant to the President for Agriculture, Trade and Food Assistance for the National Economics Council at the White House and former Chief of Staff for Senator Thom Tillis.

I spoke with Ray this afternoon. He would like to connect with both of you in the near future to discuss issues related to 5 DPP

Ray, Greg is now our senior political at FWS who previously worked for Governor Herbert in Utah as Director of the Division of Wildlife Resources. Casey and I worked together 15 years ago at the House Committee on Natural Resources. He and I were on the original beach head team here at DOI on January 20 and he's done a magnificent job of leading FWS as our sole political rep there prior to Greg's arrival.

I leave this in your collective capable hands. Please let me know what I can do to be helpful.

All the best, Virginia



--

Virginia H. Johnson Active Assistant Secretary for Fish and Wildlife and Parks U.S. Department of the Interior Telephone: (202) 208-4943



From: Greg Sheehan

To: James L. Cummins

Subject: Re: ESA Military Bases

Date: Monday, August 21, 2017 11:41:21 PM

Thanks James

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 202-676-7675 cell

On Aug 20, 2017, at 10:25 PM, James L. Cummins < <u>jcummins@wildlifemiss.org</u>> wrote:

Edits and comments. Gary Frazer thinks it is not needed. I prefer to work with you and your people. Thanks Greg.

Sent from my iPhone

On Aug 20, 2017, at 8:23 PM, Greg Sheehan < greg j sheehan@fws.gov > wrote:

Thanks James.

Are you getting this bill close to rolling out or still working on edits and comments.

Thanks Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Aug 18, 2017, at 9:49 AM, James L. Cummins < <u>icummins@wildlifemiss.org</u>> wrote:

And here is another idea that we have been working on with species and military bases.

From: Elsner, Brandon (Wicker)

[mailto:Brandon Elsner@wicker.senate.gov] **Sent:** Thursday, February 04, 2016 3:28 PM

To: James L. Cummins

Cc: Helton, Samantha (Wicker) Subject: ESA Military Bases



Hi James,

We reached out to DOD and they did not want to provide technical assistance at this time on the ESA bill because of interagency agreements. They wanted DOI to take a crack at it first. I had the bill drafted up and was going to have Senator Gillibrand's folks take a look at it and see if they wanted to partner up and be our cosponsor after we finalize the edits. Both Senators are on Armed Services and EPW. The drafted ESA military base bill is attached which is a word-locked version into which you can type any edits and we can get corrected. There are a few bold-bracketed places where leg counsel wasn't sure whether the language they used was an accurate reflection of the policy intent. Please let me know about the changes.

Thanks,

Brandon

Brandon Elsner Senator Roger F. Wicker (R-MS)

<Wicker ESA Miltiary Bases Word Doc.doc>

<Wicker ESA Military Bases.pdf>



From: Sheehan, Gregory
To: Bill Snape

Cc: <u>Kieran Suckling</u>; <u>Brett Hartl</u>

Subject: Re: ESA Polls

Date: Tuesday, September 19, 2017 6:11:23 PM

Thank you Bill and Kieran,

These are very interesting articles and I do believe they share what the public believes about the conservation of our many species.

Also thank you for coming in to meet with me. I much appreciated your many suggestions for improved relationships and conservation. I did particularly find the comment useful about more open and timely communications. While I certainly can't promise how we can address every issue moving forward, I have asked my communications team to visit this topic and bring me a plan of how we can reach out to our public better on ESA and other matters. As you suggested we are seeing great success in many areas of species recovery with some responding more rapidly than others given their habit and other limiting factors.

Also, as you suggested I have asked to have an review of what species do not have recovery plans to see where we are at. Obviously, as we discussed, some species have a higher likelihood of achieving recovery, all things considered, and resources to perform these plans must be weighed with other ES actions underway. Nevertheless this is proactive management.

Of course pollinators of all forms are remaining a priority, and creating awareness of the need for these species for any number of reasons.

Thank again, Greg

On Mon, Sep 18, 2017 at 3:09 PM, Bill Snape < bsnape@biologicaldiversity.org > wrote:

Dear Greg:

We appreciated the opportunity to meet you several weeks ago with Ben Jessup.

We agree that a good line of communication with government officials is always constructive. In this spirit, we may periodically send you noteworthy items or documents.

Today I am following up with some Endangered Species Act (ESA) polling numbers that demonstrate *large majorities* in *both parties* supporting the ESA and wildlife conservation.

We hope you find this helpful.



Regards, Bill

--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>steve@stevethompsonllc.com</u>

Cc: Robyn Thorson - US Fish and Wildlife Service (Robyn Thorson@fws.gov); Paul Souza

Subject: Re: FISH Act Calvert

Date: Wednesday, October 4, 2017 3:24:36 PM

Thanks Steve. I first saw it yesterday and am glad to see that others are appreciative of consolidated government efforts for reasons of inefficiencies.

Hope things are well,

Greg

On Tue, Oct 3, 2017 at 8:52 PM, <u>steve@stevethompsonllc.com</u> < <u>steve@stevethompsonllc.com</u>> wrote:

Haven't read this bill yet but it has tremendous support from industry folks that want to report to one agency that understands working with people to conserve wildlife.

Steve

steve@stevethompsonllc.com

916-600-5227

Press Releases

Reps. Calvert and LaMalfa Introduce the Federally Integrated Species Health Act

ft#<u>e</u>

Washington, D.C., October 3, 2017 | 0 comments

Today, Congressman Ken Calvert (CA-42) and Congressman Doug LaMalfa (CA-1), and others, introduced the Federally Integrated Species Health (FISH) Act, H.R. 3916. The legislation would consolidate the management and regulation of the Endangered Species Act (ESA) within the Fish and Wildlife Service (FWS).

"It makes no sense to have multiple federal agencies responsible for enforcing the ESA," said Rep. Calvert. "The FISH Act is a good government bill that will



benefit species and all stakeholders affected by the ESA through a unified approach to managing threatened and endangered species. As we have seen in the California Bay Delta and other complex habitats, there are often conflicting and incompatible measures taken by different resource agencies."

Rep. LaMalfa said: "Last year, the conflicting ESA responsibilities of the FWS and NMFS resulted in one agency demanding that water be released from Shasta Dam for Delta smelt, while simultaneously the other agency demanded that water be held back for salmon. The right hand should know what the left hand is doing, and the FISH Act will lead to better decisions by ensuring personnel working on different species actually talk to one another when developing policies. Farmer or environmentalist, urban or rural, everyone should support cutting duplicative bureaucracies to generate ESA plans that work."

The ESA is currently administered by FWS and the Commerce Department's National Marine Fisheries Service (NMFS). The FWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromons fish, such as salmon. The FISH Act would transfer all of the NMFS' ESA responsibilities to the FWS.

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
1849 C Street NW, Room 3358
Washington, DC 20240
Office 202-208-4545
Cell 202-676-7675



From: Guertin, Stephen

To: mgable@forestlandowners.com
Subject: Re: Forest Landowner mtg request
Date: Monday, January 8, 2018 11:44:48 AM

Thank you for your note and for reaching out to the Service.

Yes, would be glad to meet with your group on 1/16. Will have our office connect with yours to set up a time block.

Thank you. Steve

On Fri, Jan 5, 2018 at 12:42 PM, <u>mgable@forestlandowners.com</u> < <u>mgable@forestlandowners.com</u>> wrote:

Hi Stephen,

I am with the Forest Landowners Association whose members are comprised of the largest private and family timber owners in the US. Many of whom have been impacted by the ESA and recent At-Risk Species listings. For the past several years we have worked with Doug Krofta out of the Division of Conservation and Classification in Arlington and with Region IV on developing better partnerships and understanding of how the listing process and determinations impact forest landowners. Scott Jones, FLA CEO will be in town on Tuesday, January 16th and we wanted to see if you were available for a meeting for us to further introduce FLA and discuss the ESA and listing process.

Regards,

Melinda

Melinda Gable

Forest Landowners Association

Vice President

202-302-4794

www.forestamerica

www.forestlandowners.com



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>steve@stevethompsonllc.com</u>

Subject: Re: From Kyriakos Tsakopoulos, Conaway Preservation Group, Woodland California

Date: Sunday, November 5, 2017 7:28:33 PM

Very cool. Thanks Steve for your great conservation legacy in many arenas. Greg

On Sun, Nov 5, 2017 at 8:08 PM, <u>steve@stevethompsonllc.com</u> < <u>steve@stevethompsonllc.com</u>> wrote:

Ok will do, headed to Sacramento NWR tomorrow to re-visit how they move water and save wildlife. Hope to transfer much of that knowledge to private farm lands, mostly rice fields, think we have about 25,000 to 50,000 acres ready to help save fish, ducks and rice farming.

Steve

From: gregory_sheehan@fws.gov [mailto:gregory_sheehan@fws.gov] On Behalf Of Sheehan,

Greg

Sent: Sunday, November 5, 2017 12:29 PM

To: steve@stevethompsonllc.com

Subject: Re: From Kyriakos Tsakopoulos, Conaway Preservation Group, Woodland California

Hi Steve

Thanks for the positive feedback. I could meet in December if you could contact Roslyn and work on a date. This week is a little hectic as I have a NFWF board meeting then headed to Texas. Maybe try me Tuesday or Wednesday later in the evenings.

Thanks

Greg

On Sun, Nov 5, 2017 at 12:48 PM, <u>steve@stevethompsonllc.com</u> < <u>steve@stevethompsonllc.com</u>> wrote:



Greg,

Excellent job at the Senate hearing on proposed drilling on Arctic National Wildlife Refuge, saw it yesterday on CSPAN.

Go way back on that issue, as Jim Kurth was the refuge manager and I was the refuge branch chief in WDC in the 90's, the last real battle concerning drilling oil and gas on the refuge. Since then we have learned a great deal about oil and gas, for example what we learned about the industry and how to conserve the Lesser Priarie Chicken... and much work we did in Louisiana with the industry.

Will call you next week would like to catch up on several issues. Having sat in those congressional seats many times, sometimes with Dale, man do I understand how hard that is. Congressional folks usually are all over the map with questions and viewpoints that often switch party views even. You did a really good job on a hot seat.

Do you some time in December to view the conservation efforts on the Conaway Ranch?

Steve

From: Greg Sheehan [mailto:greg j sheehan@fws.gov]

Sent: Sunday, October 22, 2017 2:28 PM

To: K Tsakopoulos < (b) (6) .com>

Ed Hagerty (b) (6) @gmail.com>

Subject: Re: From Kyriakos Tsakopoulos, Conaway Preservation Group, Woodland California

Thank you Kyriakos for stopping by to visit and spending some time covering a number of issues. I hope your scheduled trip went well after our meetings.

I am glad to see that you, your father and other business partners are focused on both the necessary elements of running the business but also the prospects for conservation of our fish and wildlife along the way.



As you mentioned Paul Souza should be great to work with and you have a good man in Steve Thompson helping you along.

Hope we can chat again in DC one day soon or perhaps on you properties in California.

Thank you again,

Greg

Greg Sheehan

Principal Deputy Director

US Fish and Wildlife Service

202-208-4545 office

202-676-7675 cell

On Oct 17, 2017, at 1:21 PM, K Tsakopoulos < (b)(6) .com > wrote:

Dear Acting Director Greg Sheehan,

It was a pleasure to meet you on September 25th, 2017 with former FWS Region 8 Regional Director Steve Thompson and Ed Hagerty and I appreciate the opportunity to talk with you about some of the sustainable farming practices and innovative environmental projects we are employing at our Conaway Ranch here in Northern California.

Steve and I came away encouraged that there are real opportunities to ease unnecessary and inefficient Federal procedural burdens that plague the regulated community in California and are strangling economic prosperity without any counterbalancing benefits to the environment or otherwise. Many of these bureaucratic regulations are the result of decades of agency "mission creep" and do not represent the action of our elected officials, but rather, their inaction. We are very happy with the current USFWS leadership here in Sacramento and stand ready to work with you and the administration if and when you believe we can be helpful.

I hope we have the opportunity to host you at the Conaway Ranch sometime soon to show you firsthand how we propose to help recover the Salmon population in California and benefit other threatened and endangered species while maintaining a productive commercial farming operation. And we are thinking hard about your suggestion that we find ways to allow for some



public access to our private lands to expand hunting, fishing and other outdoor opportunities for our fellow citizens to enjoy. Perhaps if you are able to visit we could have a discussion about this important aspect of private land stewardship.

Thank you for your service to America and for taking the time to hear us.

Warmest regards,

Kyriakos

--

Kyriakos Tsakopoulos President & Chief Executive Officer Conaway Preservation Group Woodland, California (916) 599-0026

.com

Greg Sheehan

Principal Deputy Director

US Fish and Wildlife Service

1849 C Street NW, Room 3358

Washington, DC 20240

Office 202-208-4545

Cell 202-676-7675

--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Sheehan, Gregory
To: Robert Aland

Cc: greg_sheehan@fws.gov; Roslyn Sellars

Subject: Re: FW: 60-DAY NOTICE - GRIZZLY BEARS - GREATER YELLOWSTONE ECOSYSTEM

Date: Tuesday, July 4, 2017 1:55:48 PM

Your email has been received. Thank you.

Greg Sheehan

On Mon, Jul 3, 2017 at 1:09 PM, Robert Aland < @comcast.net > wrote:

Dear Mr. Sheehan:

I am re-sending this email to you – and to Roslyn Sellars – because it was returned as undeliverable the first two times that I sent it.

I hope that this time it reaches Ms. Sellars' and your Inboxes.

Sincerely,

Robert H. Aland

From: Bob Aland < @comcast.net > Date: Monday, July 3, 2017 at 11:56 AM

To: < exsec@ios.doi.gov >, < greg_sheehan@fws.gov >

Subject: 60-DAY NOTICE - GRIZZLY BEARS - GREATER YELLOWSTONE

ECOSYSTEM

IMMEDIATE ATTENTION REQUESTED



Dear Secretary Zinke & Acting Director/Deputy Director Sheehan:

Attached (also sent in hard copy via UPS) is a 60-Day Notice required by 16 USC § 1540(g)(2) of my intent to file a Civil Suit in the Federal District Court against the Department of the Interior and the Fish & Wildlife Service pursuant to 16 USC § 1540(g)(1) to declare invalid, and enjoin implementation of, the final delisting rule published in the Federal Register on June 30, 2017, 82 Fed. Reg. 30502 et seq., illegally removing the Greater Yellowstone Ecosystem population of grizzly bears from the list of threatened and endangered wildlife under the Endangered Species Act, as amended, 16 U.S.C. §§ 1531-1544.

Please review and process this notice immediately.

Sincerely,

Robert H. Aland



--

Greg Sheehan, Acting Director Principle Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



From: <u>Guertin, Stephen</u>
To: <u>Margaret Everson</u>

Subject: Re: FW: November 20 -- E&E News PM is ready Date: Tuesday, November 21, 2017 8:33:45 AM

Attachments: Comp Table - FY 2018 Congressional Action 11.20 v2.xlsx

Margaret here is our detailed internal tracking table that shows all the puts and takes at both the macro and micro level. Steve

On Mon, Nov 20, 2017 at 5:28 PM, Margaret Everson < meverson@ducks.org > wrote:

Steve,

Good day for FWS it looks like. I know NAWCA got a bit of a bump (\$40 mill) do you know where the other increases (decreases?) were.

Thank you

Margaret

From: E&E News [mailto:ealerts@eenews.net]
Sent: Monday, November 20, 2017 4:44 PM
To: Margaret Everson < meverson@ducks.org>
Subject: November 20 -- E&E News PM is ready

Read today's E&E News PM on the web



AN E&E NEWS PUBLICATION

E&E NEWS PM — Mon., November 20, 2017

READ FULL EDITION

1. APPROPRIATIONS:

Senate wants more spending for Interior, EPA

Senate appropriators today released a fiscal 2018 spending bill for U.S. EPA and the Interior Department that would provide a modest boost above funding levels called for by the House and reject steep spending cuts called for by the Trump administration.

THIS AFTERNOON'S STORIES

2. COAL ASH:

Judges question EPA bid to bar some issues from litigation

3. SENATE:

Woman says Franken put hand 'full-fledged on my rear'

UPCOMING HEARINGS AND MARKUPS

4. CALENDAR:



Activity for November 20 - November 26, 2017

Get all of the stories in today's E&E News PM, plus an in-depth archive with thousands of articles on your issues, detailed Special Reports and much more at https://www.eenewspm.com.

Forgot your passcodes? Call us at 202-628-6500 now and we'll set you up instantly.

To send a press release, fax 202-737-5299 or email editorial@eenews.net.

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	FY17	FY 2018 P	resident's		-			- 1/10			
ROPRIATION	Enacted		Budget		FY18 House			FY18 Senate			
CTIVITY											
SUBACTIVITY											
PROGRAM ELEMENT		Total Change		Total Change	Total Change		Total Change	Total Change		Total Chan	
PROGRAM COMPONENT	TOTAL	from FY 2017		from FY18	from FY17		from FY18	from FY17		from Hous	
	ENACTED	Enacted	Total Request	Request	Enacted	TOTAL	Request	Enacted	TOTAL	Mark	
DURCE MANAGEMENT 14-1611										1	
COLOGICAL SERVICES										<u> </u>	
LISTING Critical Habitat	4,605	(1,335)	3,270	0	(1,335)	3,270	0	(1,335)	3,270	1	
Listing	12,905	(1,052)	11,853	0	· ' '	11,853	0	(1,052)	11,853	1 1	
Foreign Listing	1,504	(1,003)	501	0	(1,003)	501	0	(1,003)	501	1	
Petitions	1,501	(3)	1,498	0	(3)	1,498	0	(3)	1,498		
Total - Listing	20,515	(3,393)	17,122	0	(3,393)	17,122	0	(3,393)	17,122		
PLANNING and CONSULTATION										<u>.</u> I	
Ecosystem Restoration - Bay Delta	2,859	(5)	2,854	0	` '	2,854	5	0	2,859	_	
Environmental Contaminants	2,772	(5)	2,767	0	` '	2,767	5	0	2,772		
Gulf Coast Restoration Energy	4,000 10,354	(3,002) (20)	998 10,334	0	(3,002)	998 10,334	3,002 20	0	4,000 10,354	1	
Energy Tribal Consultation	10,354	(20)	10,334	0	(20)	10,334 0	0	0	10,354	<u> </u>	
General Program Activities	83,094	(1,292)	81,802	6,028	4,736	87,830	2,292	1,000	84,094	(3,7	
Total-Planning and Conservation	103,079	(4,324)	98,755	6,028	1,704	104,783	5,324	1,000	104,079	(7	
CONSERVATION and RESTORATION											
Coastal Barrier Resources Act (CBRA)	1,390	(3)	1,387	3	0	1,390	3	0	1,390	<u>'</u> 1	
Environmental Contaminants	6,785	(13)	6,772	0	(13)	6,772	13	0	6,785		
Marine Mammals	5,470	(10)	5,460	0	(10)	5,460	10	0	5,470	1	
National Wetlands Inventory	3,471	(7)	3,464	7	0	3,471	7	0	3,471	i	
Sagebrush Steppe Ecosystem Candidate Conservation	3,250 12,030	(6) (2,582)	3,244 9,448	6 0	0 (2,582)	3,250 9,448	2,582	0	3,250 12,030		
Total-Conservation and Restoration	32,396	(2,621)	· ·	16		29,791		0	32,396		
										Ī	
RECOVERY (Proposed Change for FY17)											
Cooperative Recovery	1,373	(1,373)	0	3	(1,373)	0	0	(1,373)	0	<u> </u>	
Ecosystem Restoration - Bay Delta General Program Activities	1,659 78,000	(3) (2,089)	1,656 75,911	5,000	2,911	1,659 80,911	5,966	3,877	1,659 81,877	9	
Total-Recovery	84,032	(4,469)	79,563	6,007	1,538	85,570	5,969	1,500	85,532	-	
UBTOTAL - ECOLOGICAL SERVICES (New FY16)	240,022	(14,807)	225,215	12,051	(2,756)	237,266	13,914	(893)	239,129	I 1,8	
	,	,	,		(=): 0 0)			(333)		I	
IABITAT CONSERVATION										<u> </u>	
PARTNERS FOR FISH AND WILDLIFE Cooperative Recovery	824	(824)	0	0	(824)	0	0	(824)	0	<u> </u>	
Environ. Data Quality and Access (WA Salmon Recovery)	643	(643)	0	643	(824)	643	0	(643)	0	(6	
WA Regional Fisheries Enhancement Groups	1,285	(1,285)	0	1,285	0	1,285	1,285	0	1,285	-	
General Program Activities	49,024	(3,140)	45,884	5,664	2,524	51,548	3,140	0	49,024		
Total - Partners For Fish and Wildlife	51,776	(5,892)	45,884	7,592	1,700	53,476	4,425	(1,467)	50,309	(3,1	
COASTAL PROGRAM										Ī	
Ecosystem Restoration - Gulf Coast	354	(1)	353	1	0	354	1	0	354	1	
Hood Canal Salmon Enhancement Group	184	(184)	0	184	0	184	184	0	184		
Long Live the Kings	184	(184)	0	184	0	184	184	0	184	-	
General Program Activities Total - Coastal Programs	12,653 13,375	(1,036) (1,405)	11,617 11,970	1,036 1,405	0 0	12,653 13,375	1,036 1,405	0	12,653 13,375		
		(1,403)								İ	
UBTOTAL - HABITAT CONSERVATION (new activity in FY16)	65,151	(7,297)	57,854	8,997	1,700	66,851	5,830	(1,467)	63,684	(3,1	
NATIONAL WILDLIFE REFUGE SYSTEM										<u> </u>	
Wildlife & Habitat Management											
Alaska Subsistence Challenge Cost Sharing Partnerships	2,835	(5) 0	2,830 0	0	l	2,830	5 0	0	2,835	-8	
Chancinge Cost Sharing Fartherships	3,200	(3,200)	0	0		0	0	(3,200)	0		
Cooperative Recovery		(93)	9,783	292	199	10,075	(57)	(150)	9,726	-	
Cooperative Recovery Invasive Species	9,876			0	(44)	22,924	44	0	22,968		
Invasive Species Inventory & Monitoring	22,968	(44)	22,924		11 1						
Invasive Species Inventory & Monitoring General Program Activities	22,968 192,964	(3,608)	189,356	6,658	3,050	196,014		5,592	198,556		
Invasive Species Inventory & Monitoring	22,968				3,050			5,592 2,242	198,556 234,085		
Invasive Species Inventory & Monitoring General Program Activities	22,968 192,964	(3,608)	189,356	6,658 6,950	3,050	196,014	9,192			2,:	



U.S. Fish & Wildlife Service (Close-hold)

APPROPRIATION	FY17 Enacted	FY 2018 P Bud			FY18 Hou	ise	FY18 Senate				
ACTIVITY											
SUBACTIVITY											
PROGRAM ELEMENT		Total Change		Total Change	Total Change		Total Change	Total Change		Total Change	
PROGRAM COMPONENT	TOTAL	from FY 2017		from FY18	from FY17		from FY18	from FY17		from House	
	ENACTED	Enacted	Total Request	Request	Enacted	TOTAL	Request	Enacted	TOTAL	Mark	
Total - Visitor Services	73,319	(2,228)	71,091	2,228	0	73,319	3,228	1,000	74,319	1,000	
Refuge Law Enforcement		<u> </u>								<u>.</u>	
General Program Activities	38,054	(125)	37,929	125	0	38,054	(1,875)	(2,000)	36,054	(2,000	
Total - Refuge Law Enforcement	38,054	(125)	·	125	0	38,054	(1,875)		36,054	(2,000	
Conservation Planning		(2 -22)						(2 - 2 - 2)			
Refuge Planning	2,523	(2,523)		2,523	0	2,523	0	· · · · · ·	0		
Total - Conservation Planning	2,523	(2,523)	0	2,523	0	2,523	0	(2,523)	0	l (2,523	
Subtotal - Refuge Operations	345,739	(11,826)	333,913	11,826	0	345,739	10,545	(1,281)	344,458	(1,281	
- Castotal Herage operations	0 10,700	(==,0=0)				0 10,700	20,0 10	(2)202)	011,100	(2,202	
Refuge Maintenance										1	
Annual Maintenance	26,350	(50)	26,300	50	0	26,350	50	0	26,350		
Deferred Maintenance	41,620	(578)	+	1,255	677	42,297	1,859	1,281	42,901		
Equipment and Vehicle Management	14,988	(28)	14,960	0	(28)	14,960	28	0	14,988		
Maintenance Support	55,230	(1,336)		687	(649)	54,581	1,336	0	55,230	-	
Total - Refuge Maintenance	138,188	(1,992)	136,196	1,992	0	138,188	3,273	1,281	139,469	1,281	
SUBTOTAL - NATIONAL WILDLIFE REFUGE SYSTEM	483,927	(13,818)	470,109	13,818	0	483,927	13,818	0	483,927	0	
SOUTOTAL - NATIONAL WILDLITE REFORE STOTEM	403,327	(13,010)	470,103	13,010	J	403,327	13,010	J	403,327	ļ	
CONSERVATION AND ENFORCEMENT MIGRATORY BIRD MANAGEMENT										<u> </u> 	
Conservation and Monitoring		(40)								<u> </u>	
Monitoring Bird-Livestock Conflicts	6,294	(12)	6,282	12	0	6,294	12	0	6,294 350		
Renewable Energy	350 700	(100)	250 699	100	0	350 700	100	0	700		
Urban Bird Treaties	233	0	233	0	0	233	0	0	233	0	
General Program Activities	23,462	(1,645)	21,817	1,645	0	23,462	1,907	262	23,724	262	
Total - Conservation and Monitoring	31,039	(1,758)	29,281	1,758	0	31,039	2,020	262	31,301	262	
<u>Permits</u>	3,371	(37)	3,334	90	53	3,424	37	0	3,371	(53	
Federal Duck Stamp Program										<u> </u> 	
General Program Activities	556	(1)	555	0	(1)	555	1	0	556	<u> </u>	
Total - Federal Duck Stamp Program	556	(1)	<u> </u>	0	<u>` </u>	555	1	0	556	1	
North American Waterfowl Management Plan (Joint Venture											
National Program Management	263	(1)	262	1	0	263	1	0	263	0	
General Program Activities	12,876	(2,307)	10,569	2,307	0	12,876	2,307	0	12,876	0	
Total - NAWMP/Joint Ventures	13,139	(2,308)	10,831	2,308	0	13,139	2,308	0	13,139	I 0	
SUBTOTAL - MIGRATORY BIRD MANAGEMENT	48,105	(4,104)	44,001	4,156	52	48,157	4,366	262	48,367	210	
										<u> </u>	
LAW ENFORCEMENT										Ī	
Law Enforcement Operations Wildlife Trafficking	7,500	(14)	7,486	14	0	7,500	14	0	7,500	0	
General Program Activities	66,643	(2,035)		2,035	0	66,643	3,035	1,000	67,643		
Total - Law Enforcement Operations	74,143	(2,049)		2,049	0	74,143	3,049	1,000	75,143		
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Equipment Replacement	910	(2)		2		910	2	0	910		
Total - Equipment Replacement	910	(2)	908	2	0	910	2	0	910	0	
SUBTOTAL - LAW ENFORCEMENT	75,053	(2,051)	73,002	2,051	0	75,053	3,051	1,000	76,053	1,000	
										į	
INTERNATIONAL AFFAIRS					<u> </u>					<u>ļ</u>	
International Conservation		,·		= = -	<u> </u>			<u> </u>		<u> </u>	
Wildlife Trafficking	1,327	(502)		502		1,327	502	0	1,327		
General Program Activities Total - International Conservation	6,963	· · · · · · · · · · · · · · · · · · ·		832	0 0	6,963	832	0 0	6,963 8,290		
Total - International Conservation	8,290	(1,334)	6,956	1,334	U	8,290	1,334	U	8,290	Ī	
International Wildlife Trade					 			 		<u> </u>	
Wildlife Trafficking	593	(1)	592	1	0	593	1	0	593	0	
General Program Activities	6,933	(298)		298	0	6,933	298	0	6,933		
Total - International Wildlife Trade	7,526			299	0	7,526	299	0	7,526		
	,	,	,			,			,		



U.S. Fish & Wildlife Service (Close-hold)

APPROPRIATION		FY17 Enacted	FY 2018 P Bud			FY18 Hou	use	FY18 Senate			
ACTIVIT	v										
	ACTIVITY										
	ROGRAM ELEMENT		Total Change			Total Change			Total Change		Total Change
	PROGRAM COMPONENT	TOTAL ENACTED	from FY 2017	Total Boguest	from FY18	from FY17	TOTAL	from FY18	from FY17	TOTAL	from House Mark
CLID	TOTAL INTERNATIONAL AFFAIRS		Enacted (4, 633)	Total Request	Request	Enacted	TOTAL	Request	Enacted	TOTAL	
SOB	TOTAL - INTERNATIONAL AFFAIRS	15,816	(1,633)	14,183	1,633	0	15,816	1,633	0	15,816	I 0 I
SUBTOT	TAL - CONSERVATION AND ENFORCEMENT (new name in FY15)	138,974	(7,788)	131,186	7,840	52	139,026	9,050	1,262	140,236	1,210
							·			•	
	AQUATIC CONSERVATION										<u> </u>
	onal Fish Hatchery Operations Great Lakes Consent Decree	550	(1)	549	0	(1)	549	1	0	550	1
	lational Wild Fish Health Surveys	1,430	(3)	1,427	0	` '	1,427	3	0	1,430	
	Vashington State Mass Marking	1,475	(3)	1,472	3	0	1,475	3	0	1,475	-
	General Program Activities	51,963	(3,469)	48,494	3,873	404	52,367	3,469	0	51,963	
Tota	Il - National Fish Hatchery Operations	55,418	(3,476)	51,942	3,876	400	55,818	3,476	0	55,418	(400)
Mair	ntenance and Equipment										i
	IFHS Maintenance and Equipment										<u> </u>
	nnual Maintenance	8,065	(15)	8,050	15	0	8,065	15	0	8,065	0
	Deferred Maintenance	13,249	(3,020)	10,229	3,020	0	13,249	3,020	0	13,249	-
	quipment Replacement	1,088	(2)	1,086	2 027	0	1,088	2 227	0	1,088	
	otal - NFHS Maintenance & Equipment	22,402	(3,037)	19,365	3,037	0	22,402	3,037	0	22,402	l 0 I
F	WCO Maintenance and Equipment										1
	General Program Activities	518	(1)	517	1	0	518	1	0	518	0
Т	otal - FWCO Maintenance & Equipment	518	(1)	517	1	0	518	1	0	518	0
Tota	I - MAINTENANCE AND EQUIPMENT	22,920	(3,038)	19,882	3,038	0	22,920	3,038	0	22,920	<u> </u>
Tota		22,920	(3,038)	13,882	3,036		22,920	3,036	o l	22,320	l I
Aqua	atic Habitat and Species Conservation (1330)										Ī
Н	labitat Assessment and Restoration										
	Fish Passage Improvements	13,998	(4,775)	9,223	4,775	0 (4.200)	13,998	4,775	0	13,998	
	Klamath Basin Restoration Agreement National Fish Habitat Action Plan	3,000 6,664	(1,390) (1,012)	1,610 5,652	0	(1,390) (1,012)	1,610 5,652	1,390 1,012	0	3,000 6,664	1,390 1,012
	General Program Activities	5,729	(434)	5,295	5,000	4,566	10,295	30	(404)	5,325	
Т	otal - Habitat Assessment and Restoration	29,391	(7,611)		9,775	2,164	31,555	33,222	26,015	28,987	•
P	Opulation Assessment and Cooperative Management Alaska Fisheries Subsistence	9,554	(18)	9,536	0	(18)	9,536	18	0	9,554	18
	Cooperative Recovery	746	(746)	9,330	0		9,330	0	(746)	9,334	
	Great Lakes Consent Decree	558	(1)	557	0		557	1	0	558	1
	Great Lakes F&W Restoration Program	458	(1)	457	0	` '	457	1	0	458	1
	Yukon River Salmon Treaty	2,692	(5)	2,687	0		2,687	5	0	2,692	
	General Program Activities Total - Population Assess. and Cooperative Mgmt	16,813 30,821	(1,658) (2,429)		0 0	` ' '	15,155 28,392	1,658 1,683	(746)	16,813 30,075	
	Otal - Population Assess. and Cooperative Night	30,821	(2,429)	20,392	U	(2,423)	26,392	1,005	(740)	30,073	1,005
А	Aquatic Invasive Species										
	Asian Carp	8,400	(515)	7,885	2,515	2,000	10,400	1,115	600	9,000	(1,400
	Control and Management	800	(1)		0	(1)	799	1	0	800	1
	Ecosystem Restoration - Chesapeake Bay Lake Tahoe Watercraft Inspections	145	0	145	3,088	3,088	3,088	0	0 0	145 0	(3, 088)
	NISA State/Interstate Plans	1,000	(1,000)	0	1,000	3,088	1,000	1,000	0	1,000	
	NISA Implementation/Coordination	1,566	(5)	1,561	5	0	1,566	5	0	1,566	
	Prevention	2,038	(717)	1,321	0	(717)	1,321	717	0	2,038	
	Sea Lamprey Admin Costs	711	(1)	710	0	(1)	710	1	0	711	1
T	Quagga and Zebra Mussels otal - Aquatic Invasive Species	2,000 16,660	(4) (2,243)	1,996 14,417	6,612	4,369	2,000 21,029	2,843	6 00	2,000 17,260	(3,769)
	require medice openies	10,000	(2,243)	14,417	0,012	7,303	21,023	2,043	000	17,200	[(3,709)
Tota	I - AQUATIC HABITAT & SPECIES CONSERVATION	76,872	(12,283)	64,589	16,387	4,104	80,976	11,733	(550)	76,322	(4,654
0	I I	455.500	/	45.5	20.53			40.0	/===1	474.000	1= 0===
SUBTOT	TAL - FISH AND AQUATIC CONSERVATION	155,210	(18,797)	136,413	23,301	4,504	159,714	18,247	(550)	154,660	(5,054)
COOPER	RATIVE LANDSCAPE CONSERVATION										<u> </u>
	dscape Conservation Cooperatives										<u> </u>
	cosystem Restoration - Gulf Coast	700	(700)	0	700	0	700	1,000	300	1,000	300
	General Programs Activities	12,288	(12,288)	0	12,288	0	12,288	11,988	(300)	11,988	(300
SUBTOT	TAL - COOPERATIVE LANDSCAPE CONSERVATION	12,988	(12,988)	0	12,988	0	12,988	12,988	0	12,988	0
SCIENCE	SUPPORT (becomes a new activity FY16)										<u>. </u>
	ptive Science (new place FY16)		1	1	11	11		11	11		



U.S. Fish & Wildlife Service (Close-hold)

APPR	OPRIATION	4	FY17 Enacted	FY 2018 P Bud			FY18 Ho	use	FY18 Senate				
AC	TIVITY												
	SUBACTI												
		RAM ELEMENT		Total Change		Total Change	Total Change		Total Change	Total Change		Total Change	
	PR	OGRAM COMPONENT	TOTAL ENACTED	from FY 2017	Total Daguest	from FY18	from FY17	TOTAL	from FY18	from FY17	TOTAL	from House	
	F	ton Bartontian Culf Coast		Enacted	Total Request	Request	Enacted	TOTAL	Request	Enacted	TOTAL	Mark	
		stem Restoration - Gulf Coast ral Program Activities	931 9,586	(931) (9,586)	0	931 7,586	(2,000)	931 7,586	931 5,586	(4,000)	931 5,586		
		daptive Science	10,517	(10,517)		8,517	(2,000)	8,517	6,517	(4,000)	6,517		
		•	,	, , ,		,	,	,	,	, , ,	,		
	Service So			(=)			(=, =)			(= , =)		<u> </u>	
		erative Recovery P-Nose Syndrome	718 2,500	(718) (2,500)	0	4,500	(718) 2,000	4,500	3,500	(718) 1,000	0 3,500		
		ral Program Activities	3,250	(3,250)	0	3,968	718	3,968	2,250	(1,000)	2,250		
		ervice Science	6,468	(6,468)	0	8,468	2,000	8,468	5,750	(718)	5,750		
			·							, ,		<u> </u>	
SU	BTOTAL -	SCIENCE SUPPORT	16,985	(16,985)	0	16,985	0	16,985	12,267	(4,718)	12,267	(4,718)	
C	NEDAL OR	PERATIONS										<u>i</u>	
Ju	I	Office Operations										<u> </u>	
		- Central Office Operations	40,569	(3,604)	36,965	0	(3,604)	36,965	0	(3,604)	36,965	0	
		Office Operations	27.722	(4.4.40)	22.574		(4.4.40)	22.574		(4.4.40)		1	
		ral Program Activities - Regional Office Operations	37,722 37,722	(4,148) (4,148)	33,574 33,574	0 0	(4,148) (4,148)	33,574 33,574	0 0	(4,148) (4,148)	33,574 33,574		
	10tai	- Regional Office Operations	31,122	(4,140)	33,374	0	(4,148)	33,374	U	(4,148)	33,374	1	
	Servicewi	ide Bill Paying											
		nunication, Information Technology and Security	4,958	(9)		0	` '	4,949	0	\ /	4,949		
		ng Capital Fund (less realty appraisal)	21,108	836	21,944	0	836	21,944	0	836	21,944		
		ng Capital Fund - Direct Bill er's Compensation	4,856	0 346	5,202	0	346	5,202	0	0 346	0 5,202		
		ployment Compensation	1,139	22	1,161	0	22	1,161	0	22	1,161	Y	
	Postag	• •	459	(1)	458	0	(1)	458	0	(1)	458		
	Printir	_	255	0	255	0	0	255	0	0	255	0	
		mic Studies	309	(1)	308	0	(1)	308	0	(1)	308	0	
	IDEAS		322	(1)	321	0	(1)	321	0	(1)	321	0	
		Secretary - FWP Support - RSA's	439 986	(1)	438 984	0	(1)	438 984	0	(1) (2)	438 984	-	
		perships	69	0	69	0	0	69	0	0	69		
		ment Tracking	277	(1)	276	0	(1)	276	0	(1)	276	0	
	Total -	- Servicewide Bill Paying	35,177	1,188	36,365	0	1,188	36,365	0	1,188	36,365	0	
	Culatatal	Control And Designal Organizations	112.460	/C.F.C.A.\	100.004		(C.F.C.A.)	100.004	0	(C.E.C.A.)	100.004	<u> </u>	
	Subtotal	- Central And Regional Operations	113,468	(6,564)	106,904	0	(6,564)	106,904	0	(6,564)	106,904	0	
	National	Fish & Wildlife Foundation	7,022	(2,013)	5,009	0	(2,013)	5,009	2,013	0	7,022	2,013	
			·	,	,		,	,	,				
		Conservation Training Center										<u> </u>	
	Opera	ritions Eneral Program Activities	20,498	(3,971)	16,527	0	(3,971)	16,527	3,971	0	20,498	3,971	
		tal - NCTC Operations	20,498	(3,971)	16,527 16,527	0		16,527 16,527	3,971 3,971	0	20,498	3,971 3,971	
			25,122	(0,012)			(3,512)		5,5 1 =		_5,155	,	
		al Maintenance	4,516	(2,604)	1,912	0	(2,604)	1,912	2,604	0	4,516	•	
	Total -	- NCTC	25,014	(6,575)	18,439	0	(6,575)	18,439	6,575	0	25,014	6,575	
TC	TAI - GEN	ERAL OPERATIONS	145,504	(15,152)	130,352	0	(15,152)	130,352	8,588	(6,564)	138,940	8,588	
10	INF - GEIN	ENAL OF ENALIONS	143,304	(13,132)	130,332	U	(13,132)	130,332	0,300	(0,304)	130,340	0,300	
	Undist	tributed Mast Cut				(1,200)	(1,200)	(1,200)	0	0	0	1,200	
	Total -	- Undistributed Resource Management	0	0	0	(1,200)	(1,200)	(1,200)	0	0	0	1,200	
TOTA	PECOLI	RCE MANAGEMENT	1 350 761	(107,632)	1,151,129	94,780	(12,852)	1,245,909	94,702	(12.020)	1 245 024	(70)	
IOIA	NESOUI	RCE IVIAIVAGEIVIEN I	1,258,761	(107,032)	1,131,129	34,/80	(12,032)	1,243,909	34,702	(12,930)	1,245,831	(78 <u>)</u>	
01	HER APPR	ROPRIATIONS											
		I 14x1612										! 	
I NI a		Engineering Services Engineering Services	6,063	(1,275)	4,788	0	(1,275)	4,788	0	(1,275)	4,788	0	
INC		ic Safety (moved to Dam and Bridge Safety FY15)	0,003	(1,2/3)	4,708 N	0	(1,2/3)	4,788	0	(1,2/3)	4,788		
ING	Seismi	, .	100	· ·	63	0		63	0	(37)	63		
ING		e Prevention and Recycling	100	(37)	03		(3/)	3		(3/)			
	Waste Enviro	onmental Compliance	998	(374)	624	0	(374)	624	0	(374)	624	0	
	Waste Enviro	, ,			624		(374)					0	



U.S. Fish & Wildlife Service (Close-hold)
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Da Bri Sei Tot Line-Item TOTAL - CON LAND ACQUI DISCRETION	CTIVITY OGRAM ELEMENT		FY 2018 President's Budget		FY18 House			FY18 Senate			
Da Bri Sei Tot Line-Item TOTAL - CON LAND ACQUI DISCRETIO											
Da Bri Sei Tot Line-Item TOTAL - CON LAND ACQUI DISCRETIO	OGRAM ELEMENT	_									
Da Bri Sei Tot Line-Item TOTAL - CON LAND ACQUI DISCRETION			Total Change		Total Change	Total Change		Total Change	Total Change		Total Change
Line-Item TOTAL - CON LAND ACQUI DISCRETION	PROGRAM COMPONENT	TOTAL	from FY 2017		from FY18	from FY17		from FY18	from FY17		from House
Line-Item TOTAL - CON LAND ACQUI DISCRETION		ENACTED	Enacted	Total Request		Enacted	TOTAL	Request	Enacted	TOTAL	Mark
Line-Item TOTAL - CON LAND ACQUI DISCRETION	m Safety Inspections	1,113	(418)	695	418 277	0	1,113	418 277	0	1,113 739	
Line-Item TOTAL - CON LAND ACQUI DISCRETION	dge Safety Inspections smic Safety	739 120	(277) (45)	462 75	45	0	739 120	45	0	120	0
TOTAL - CON LAND ACQUI DISCRETION	tal - Dam, Bridge and Seismic Safety	1,972	(740)	1,232	740	0	1,972	740	0	1,972	0
TOTAL - CON LAND ACQUI DISCRETION	Construction (see detail tab for individual projects)	9,482	(389)	9,093	0	(389)	9,093	0	(389)	0.002	0
LAND ACQUI	Construction (see detail tab for individual projects)	9,482	(389)	9,093		(389)	9,093	U	(389)	9,093	U
DISCRETION	STRUCTION Regular Appropriation	18,615	(2,815)	15,800	740	(2,075)	16,540	740	(2,075)	16,540	0
DISCRETION	SITION 14VE020										
	ONARY FUNDS										
Land A	Acquisition Management	12,773	(24)	12,749	(2,749)	(2,773)	10,000	24	0	12,773	2,773
	Protection Planning	465	(1)	464	(464)	(465)	0	1	0	465	465
Excha: Inhold	nges lings, Emergencies and Hardship	1,500 5,351	(303) (2,710)	1,197 2,641	(197 <u>)</u> 0	(500) (2,710)	1,000 2,641	303 2,710	0	1,500 5,351	500 2,710
	inds Conservation Act	10,000	(10,000)	2,041	10,000	(2,710)	10,000	0	(10,000)	0	
	men and Recreational Access	2,500	(2,500)	0	1,000	(1,500)	1,000	2,500	0	2,500	1,500
	Acquisition	27,406	(27,406)	17.051	16,000	(11,406)	16,000	32,850	5,444	32,850 55,439	16,850
IOTAL- LAINL	O ACQUISITION DISCRETIONARY	59,995	(42,944)	17,051	23,590	(19,354)	40,641	38,388	(4,556)	55,439	14,798
	/ILDLIFE REFUGE FUND										
	ONARY FUNDS 14Y1691	13,228	(13,228)	0	13,228	0	13,228	13,228	0	13,228	0
TOTAL - NAT	IONAL WILDLIFE REFUGE FUND DISCRETIONARY	13,228	(13,228)	0	13,228	0	13,228	13,228	0	13,228	0
COOPERATIV	/E ENDANGERED SPECIES CONSERVATION FUND										
	ONARY FUNDS 14X5143/14X5479										
	rvation Grants Assistance Grants	10,508 9,485	(21)	10,487	21 2,967	0	10,508 9,485	(2,979) 967	(3,000)	7,508	(3,000)
	s Recovery Land Acquisition	11,162	(2,967) (11,162)	6,518 0	11,162	0	11,162	0	(2,000) (11,162)	7,485 0	(2,000) (11,162)
	and Acquisition Grants to States	19,638	(19,638)	0	19,638	0	19,638	19,638	0	19,638	0
	nistration	2,702	(404)	2,298	404	0	2,702	404	0	2,702	0
TOTAL - CESC	CF DISCRETIONARY	53,495	(34,192)	19,303	34,192	0	53,495	18,030	(16,162)	37,333	(16,162)
NORTH AME	RICAN WETLANDS CONSERVATION FUND 14X5241										
	ONARY FUNDS	38,145	(4,545)	33,600	4,545	0	38,145	6,400	1,855	40,000	1,855
IOIAL - NAV	VCF DISCRETIONARY	38,145	(4,545)	33,600	4,545	0	38,145	6,400	1,855	40,000	1,855
MULTINATIC	DNAL SPECIES CONSERVATION FUND										
	ONARY FUNDS 14X1652								_		
	ephant Conservation Fund phant Conservation	2,582 1,557	(481) (290)	2,101 1,267	481 290	0	2,582 1,557	481 290	0	2,582 1,557	
	os and Tiger Conservation Fund	3,440	(642)	2,798	642	0	3,440	642	0	3,440	0
Great Apo	e Conservation Fund	1,975	(368)	1,607	368	0	1,975	368	0	1,975	0
_	urtle Conservation Fund	1,507	(280)	1,227	280	0	1,507	280	0	1,507	0
TOTAL - IVIUL	TINATIONAL SPECIES CONS. FUND	11,061	(2,061)	9,000	2,061	0	11,061	2,061	U	11,061	U
	AL MIGRATORY BIRD CONSERVATION FUND 14X1696										
	ONARY FUNDS	3,910	(10)	3,900	0	(10)	3,900	10	0	3,910	
IOTAL - NEO	TROPICAL MIGRATORY BIRD CONS. FUND	3,910	(10)	3,900	0	(10)	3,900	10	0	3,910	10
STATE & TRII	BAL WILDLIFE GRANTS FUND 14X5474										
	dlife Formula Grants	52,000	(3,081)	48,919	3,081	0	52,000	4,081	1,000	53,000	1,000
	ive Grant Program (States) ive Grant Program (Tribes)	6,362 4,209	(6,362) (292)	0 3,917	6,362 292	0	6,362 4,209	6,362 292	0	6,362 4,209	0
	TE & TRIBAL WILDLIFE GRANTS	62,571	(9,735)		9,735	0	62,571	10,735	1,000	63,571	1,000
TOTAL - FY D CESCF RESCIS	ISCRETIONARY FUNDS [Pre-rescission]	1,519,781	(217,162)	1,302,619	182,871 (3,000)	(34,291)	1,485,490 (3,000)	184,294 (3,000)	(32,868)	1,486,913 (3,000)	1,423
	SITION RESCISSION				(4,572)	(4,572)	(4,572)	(4,572)	(4,572)	(4,572)	
-	DISCRETIONARY FUNDS [Post-rescission]				175,299	(41,863)	1,477,918	176,722	(40,440)	1,479,341	1,423



U.S. Fish & Wildlife Service (Close-hold) 5 of 8

FY 2018 President's Budget - Construction Projects

FY 2018	President's	s Budget -	Construct	ion Projec	ets						
Priority	Region	Facility or Unit Name	Project Title	State	Cong. District	Total (\$000)	House Action (tbd)		Senate Action (tbd)		Total Difference Between House and Senate
							Change from Request	Total	Change from Request	Total	
1	Southwest	Wichita Mountains NWR	Repair Dams at Wichita Mountains NWR [cc]	OK	04	3,800		3,800		3,800	0
2	Alaska	Alaska Maritime NWR	Rehabilitate Tiglax Ocean Vessel	AK	AL	2,235		2,235		2,235	0
3	Midwest	Crab Orchard NWR	Dam Safety Program - Repair Concrete at Three Dams - Phase III of III	ΙL	12	300		300		300	0
4	Midwest	Pendills Creek NFH	Supply Pipeline to Traveling Screen Building	MI	01	1,043		1,043		1,043	0
5	Headquarters	Branch of Dam Safety	In/d/ccl Nationwide Seismic Safety Investigatio ns - Phase V of V	*	*	215		215		215	0
6	Headquarters	Branch of Dam Safety	Dam Safety Program - Evaluations of Newly Acquired Dams - Phase II of V	*	*	250		250		250	0
7	Midwest	Mingo NWR	Remediate Undergroun d Storage Tank [p/d/cc]	МО	08	800		800		800	0



8	Headquarter	Resources & Technology	Nationwide Radio Site Safety Investigatio ns Phase I of V	*	*	250		250		250	0
9	Southeast	Okefenokee NWR	2,000 SF CCC Office/Hea dquarters Building	GA	01	80		80		80	0
10	Pacific	Bear Lake NWR	Remove 3,878 SF Shop/Stora ge Building	ID	02	50		50		50	0
11	Pacific	National Wildlife Refuge	Remove Five Buildings Totaling 2,927 SF (1,715 SF Warehouse) at Little Pend Oreille and	WA	05	70		70		70	0
	•		Project Total		1	9,093	0	9,093	0	9,093	0



U.S. Fish and Wildlife Service

Land and Water Conservation Fund

	2018 National	Project Priorities (Integrated CLP and core) - Discretion	etionary Fu	nding	Senate Actio	n
			Cong	ressionally		
Rank	State(s)	Project	Requ	ested Data	Change from Request	Total
1	HI	Hakalau Forest NWR	\$	7,000		7,000
2	ND/SD	Dakota Grassland Conservation Area	\$	5,000		5,000
3	MD	Blackwater NWR	\$	1,000		1,000
4	FL	Everglades Headwaters NWR and CA	\$	2,500		2,500
5	PA	Cherry Valley NWR	\$	2,500		2,500
6	ND/SD	Dakota Tallgrass Prairie Wildlife Management Area	\$	2,000		2,000
7	MT	Montana Conservation Areas	\$	2,000		2,000
8	FL	St. Marks NWR	\$	2,000		2,000
9	IA/MN	Northern Tallgrass Prairie NWR	\$	1,000		1,000
10	CT/MA/ NH/VT	Silvio O. Conte NF&WR	\$	1,750		1,750
11	TX	Neches River NWR	\$	1,600		1,600
12	TX	Lower Rio Grande Valley NWR	\$	2,500		2,500
13	AR	Cache River NWR	\$	2,000		2,000
14	WA	Willapa NWR	\$	975	-975	0
15	NH/NY/RI	Great Thicket NWR	\$	1,100	-1,100	0
16	CA	North Central Valley WMA	\$	2,500	-2,500	0
17	ID/UT/WY	Bear River Watershed CA	\$	986	-986	0
	Subtotal, Line	e Item Projects by category	\$	38,411	-5,561	32,850
	Total Line Iter	n Projects	\$	38,411	-5,561	32,850



From: <u>Greg Sheehan</u>

To: steve@stevethompsonllc.com
Subject: Re: Got some time to catch up?

Date: Tuesday, December 12, 2017 11:07:38 PM

Hi Steve,

It's good to hear from you as always. You are quite busy with solving difficult and critical conservation issues, and getting out into the field with family to enjoy the fruits of the labor of so many including yourself. Let's plan to meet when you come to D.C. Next. In don't plan on being at WAFWA although it sounds wonderful being down in San Diego in January.

Merry Christmas and happy holidays to you and your family!

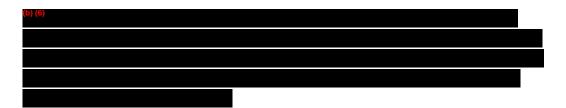
Greg

Greg Sheehan Principle Deputy Director U.S. Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, D.C. 20250 202-208-4545 Office 202-676-7675 Cell

On Dec 8, 2017, at 12:07 AM, "<u>steve@stevethompsonllc.com</u>" < <u>steve@stevethompsonllc.com</u>> wrote:

Greg,

Hope you had a great Thanksgiving holiday and you are looking forward to your Christmas. Dale told me you folks had an excellent chance to visit this week, that's great he was an amazing biologist, Regional Director, and Director. Now the leader for the most influential conservation group on the planet. Dale is amazing.



Would like to see if I can't help you'all in some way and realize you have one of the toughest jobs in natural resource conservation. My daughter Maya and I had an excellent duck hunt yesterday, sure lots of birds flying around and we got a nice sampling, as the morning was beautiful with her.

If it would help, love to show you some of the top issues and potential solutions out west, or if you need me to come back to DC happy to help. So glad we have Paul Souza



and his crew they are really turning conservation into the most positive directions.

- In Arkansas surveying waterfowl with Dale and others December 19 & 20
- Will attend some of the Western Association if Fish and Wildlife Agencies in San Diego January 4-6
- Survey some Delta Islands January 16-17
- Would also like to bring back some key oil and gas folks, that were leaders in the conservation effort with 5 states that kept the Lesser Prairie Chickens off the ESA list, a huge success that I worked on very hard.
- Also like to brief you on how far we are along now with key partnerships to save salmon, feed native fish, have farmers help us, and also this is great change for waterfowl and other migratory birds. Share the progress we have made since our last visit.

Sorry for the long note but anxious to help you, the states and FWS conserve wildlife with sustainable strategies. Happy to do these updates out west or have me head back to DC.

Steve

steve@stevethompsonllc.com 916-600-5227



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: GRETCHEN G DIETRICH
Cc: Anita Difanis; Roslyn Sellars

Subject: Re: greetings from Utah - meeting request Date: Saturday, October 28, 2017 9:09:16 PM

Thanks Gretchen. I'm looking forward to the upcoming meeting to learn more of the issues here. Hope we can help.

Thanks Greg

On Fri, Oct 27, 2017 at 4:36 PM, GRETCHEN G DIETRICH < gdietrich@umfa.utah.edu> wrote:

Dear Greg:

Thank you so much for your prompt response to my request for a meeting with you and my colleagues from the Association of Art Museum Directors (AAMD), which has had a multi-year, fruitful relationship with FWS. Prior meetings have led to a better understanding of the art museums' interest and willingness to protect endangered species, while at the same time carrying out their mission to protect and display great works of art.

Our staff at AAMD has been in touch with your office and I understand you will be meeting with a number of my director colleagues and museum staff as well as AAMD staff. Thank you again for your interest and taking the time to meet, I am sorry I cannot join you.

Please, remember, when you and your staff are in Salt Lake City, it would be my great pleasure to reacquaint you with the UMFA.

Warmest wishes, Gretchen

__

Gretchen Dietrich

Executive Director

Utah Museum of Fine Arts



From: Greg Sheehan < greg j sheehan@fws.gov> Date: Sunday, October 22, 2017 at 2:54 PM

To: Gretchen Dietrich < gdietrich@umfa.utah.edu >

Cc: Anita Difanis adifanis@aamd.org, Roslyn Sellars roslyn_sellars@fws.gov

Subject: Re: greetings from Utah - meeting request

Hello Gretchen,

Thank you for the email. I would be glad to meet with you while in town. Perhaps the 17th as I may be on travel the 16th. I have CC'd my assistant Roslyn Sellars on this email.

I am familiar with the museum as I attended the U of U for a time.

Look forward to seeing you then.

Thanks

Greg

Greg Sheehan

Principal Deputy Director

US Fish and Wildlife Service

202-208-4545 office

202-676-7675 cell

On Oct 17, 2017, at 4:00 PM, GRETCHEN G DIETRICH < gdietrich@umfa.utah.edu> wrote:

Dear Principal Deputy Director Sheehan:

I am a resident of Utah and the proud director of the Utah Museum of Fine Arts (UMFA) located on the campus of the University of Utah. The UMFA is not only a university art museum – we are the official art museum of the state of Utah and we proudly serve citizens throughout the state and region. I am also a



trustee of the board of the Association of Art Museum Directors (AAMD) of which UMFA is a long-standing member. I write to request a meeting with you for several of my colleagues regarding the import ban on ivory, which has had a profound effect on art museums nationwide.

The AAMD has been involved in the ivory issue since the 2014 ban was issued by the Director's Order. There have been numerous meetings with FWS staff and members of the art museum community and we have found the staff to be both sympathetic and understanding. While we have made progress in explaining the position of art museums vis a vis the ban, there are still some outstanding issues, which we would like to address with you. The ban still prohibits importation for acquisition of artworks and objects like antique furniture with small ivory inlays, Torah scrolls and historic items from indigenous people around the world. While these items cannot come into the United States for acquisition, they may enter markets abroad, thus depriving the U.S. population of seeing these outstanding examples craftsmanship and artistic creation.

A number of my colleagues will be in DC on November 16 and 17 and would welcome the opportunity to meet with you to discuss this important matter; if neither of those dates would be conducive to a meeting, could you please suggest other dates?

I would also like to personally invite you to the Utah Museum of Fine Arts when you are next in Salt Lake City. I would love to show you the extraordinary work that has just been completed at the museum – we reopened our galleries in August of this year after a 19 month closure.

	Thank	you for	your kind	d attention	to this	request
--	-------	---------	-----------	-------------	---------	---------

Sincerely,

Gretchen Dietrich



Gretchen Dietrich

Executive Director

Utah Museum of Fine Arts

Marcia and John Price Museum Building

University of Utah

801.585.9824

www.umfa.utah.edu

__

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Sheehan, Gregory
To: Samantha McDonald
Cc: Roslyn Sellars; Thomas Irwin
Subject: Re: Meeting Request for 4/26
Date: Monday, March 26, 2018 8:02:59 AM

Hi Samantha,

I believe that I could meet at 3:30 pm that day for 45 minutes. I don't believe that I would have any other time blocks on that day. Let me know if that works. I have CC'd my assistance for confirmation on your reply.

Thank you, Greg

On Thu, Mar 22, 2018 at 11:03 AM, Samantha McDonald < SMcDonald@ipaa.org > wrote:

Greg,

As you may know, IPAA has an active wildlife task force. Several of my experts will be in town on Thursday, April 26th. Would you be available to meet with us sometime that day? The attendees currently include the following individuals, though I expect some will drop off as the day gets closer:

Attendees:

Suzi Holland, Chevron

Brian Woodard or Cassi Moore, Chesapeake

Nick Owens Anadarko

Greg Schrab, SM Energy

Wendy Kirchoff, Noble Energy

Chris Jensen, BP

Spencer Kimball, EOG Resources

Tripp Parks, Western Energy Alliance (fellow allied trade)

Dan Naatz, IPAA

*Samantha McDonald, IPAA



Subjects:

- 1. MBTA
- 2. Mitigation

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org 202-857-4702

Day of Contact: Sam McDonald (cell) (b) (6)

Thanks in advance for the consideration of this request.

Best,

Sam

Samantha McDonald

Director of Government Relations

Independent Petroleum Association of America

(202)857-4722 / Visit IPAA / Visit ESA Watch



__

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



From: <u>Gregory Sheehan</u>
To: <u>Steve Holmer</u>

Cc: Jim kurth@fws.gov; Irwin, Thomas; Sellars, Roslyn
Subject: Re: Meeting Request on Sage Grouse Report
Date: Monday, September 25, 2017 10:46:21 PM

Steve,

Perhaps we can meet next week or the following week. Roslyn can set it up at times that meet our schedules.

Thanks Greg

Sent from my iPad

On Sep 25, 2017, at 4:26 PM, Steve Holmer <<u>sholmer@abcbirds.org</u>> wrote:

<image002.jpg> September 25, 2017

Gregory Sheehan Acting Director U.S. Fish and Wildlife Service Washington, D.C. 20240

Dear Greg,

To follow up on the letter below transmitted to Secretary Zinke and cc'd to you today, I would like to request a meeting to discuss implementation of the Greater Sage-Grouse conservation plans. American Bird Conservancy has been involved in the federal planning effort since 2009, and we remain very concerned about the potential extinction of sage grouse populations.

I can be contacted at sholmer@abcbirds.org or 202 888 7490 to respond to this meeting request.

Sincerely,
<image003.jpg>
Steve Holmer
Vice President of Policy
American Bird Conservancy

Advocates for the West ★ American Bird Conservancy ★ Animal Welfare



Institute

Boulder County Audubon Society + Center for Biological Diversity

Cornell Lab of Ornithology + Endangered Species Coalition + Earthjustice

Grand Canyon Trust + Great Old Broads for Wilderness + Montana

Wilderness Association

Nevada Conservation League → New Mexico Sportsmen → North Dakota Birding Society

Oregon Natural Desert Association + Prairie Hills Audubon Society + Rocky
Mountain Wild Sierra Club + Western Watersheds Project + Wild Utah
Project + WildEarth Guardians
Wyoming Wilderness Association

September 25, 2017

The Honorable Ryan Zinke Secretary U.S. Department of the Interior Washington, D.C. 20240

Dear Secretary Zinke,

On behalf of the undersigned conservation groups, we urge the administration to rigorously implement the existing federal Greater Sage-Grouse conservation plans and to abandon efforts to alter or undermine these plans through administrative changes of policy or implementation, or by proposing resource management plan amendments. Collectively, the proposed recommendations in the Sage Grouse Report would undermine grouse conservation by reducing the effective and durable measures necessary to prevent the species from becoming endangered.

In our view, the Report is tailored to support efforts to carve out additional uses that damage or degrade sagebrush habitat, and to tip the balance away from conservation toward development. In short, it amounts to a recipe for continued habitat loss that will make listing of the Greater Sage-Grouse under the Endangered Species Act (ESA) necessary.

The changes proposed in the Report would undermine the range-wide conservation strategy that amended 98 Resource Management Plans and Forest Plans and that U.S. Fish and Wildlife Service deemed adequate for the conservation of the grouse. Other essential elements of the strategy would also be weakened, including mitigation and adaptive management measures needed to ensure the plans are being effective.

Ineffective conservation measures: We are concerned that the Report proposes management approaches that are wholly inappropriate and ineffective for sage



grouse. These include captive breeding, predator control, and relying on population targets as an alternative to habitat protections.

As the document notes, captive breeding has not been proven effective, can be predicted based on past experience with Northern and Masked Bobwhite to be ineffective in restoring sage grouse, and may require removal of eggs from the wild, which may negatively impact wild populations. It also poses an unacceptable risk of introducing disease to wild birds.

Predator control is controversial, can kill non-target species, can disrupt the natural balance of different predator species resulting in increased predation on sage grouse, and is not an effective substitute for habitat conservation or ensuring sustainable levels of use of sagebrush habitats. Population objectives are not an adequate measure of grouse conservation due to the species' dependence on intact sagebrush habitat and its rapid and cyclical flux in population numbers.

Reduction of Focal Areas and Priority Habitat: The Report recommends the potential elimination of designated Sagebrush Focal Areas, and the added habitat protections they provide. But the Focal Areas are the lands most essential to ensure sufficient and durable habitat conservation. In fact, based on the best available science, it can be argued that a much larger system of sagebrush reserves, with even more stringent protections are needed to ensure effective and durable habitat conservation for the grouse.

We are adamantly opposed to the notion of increasing oil and gas drilling within Focal Areas and Priority Sage Grouse Habitat in the short-term by altering stipulations, and providing additional waivers and exceptions, and in the long-term through plan amendments to eliminate Focal Areas. We also oppose reversing current direction to prioritize leasing away from priority habitat and reducing the size of lek buffers from drilling projects.

The report also proposes reprioritizing grazing permit renewals to focus only on "problem areas" rather than in Sagebrush Focal Areas and Priority Habitat as called for now. By reprioritizing, the BLM is setting back the clock on the implementation promised two years ago and undermining the efforts of all of the states in developing prioritization lists based on habitat importance.

Lack of mitigation and adaptive measures: We and other science-based groups remain concerned that the existing plans, even if fully implemented, may not be sufficient to conserve grouse populations. Mitigation and adaptive measures are essential safeguards that now appear to also be threatened with revisions. The "net conservation gain" standard and requirements for compensation recognize that to conserve grouse will require fully mitigating further habitat losses.

The adaptive management requirements in the plans backstop the grouse conservation effort, by automatically updating the plans to address habitat loss and



population declines when thresholds are exceeded. A plan amendment to remove automatic hard trigger responses raise concern that some threats contributing to habitat loss and population declines would not be addressed.

Thank you for considering these comments on the Sage Grouse Report. We urge that efforts to weaken or undermine the existing grouse conservation plans be abandoned, and that the administration instead pursue a course to fully implement the sagebrush conservation measures already in place to stabilize and eventually recover the Greater Sage-Grouse.

Sincerely,

Advocates for the West Alberta Wilderness Association American Bird Conservancy Animal Welfare Institute Audubon Naturalist Society Audubon Society of Kalamazoo Bird Conservation Network Black Swamp Bird Observatory **Bold Alliance** Boulder County Audubon Society

Bozeman Birders

Californians for Western Wilderness

Center for Biological Diversity

Chesapeake Bay Sierra Club

Chesapeake Wildlife Heritage

Chicago Audubon Society

Coeur d'Alene Audubon Society

Columbia Land Trust

Conejo Valley Audubon Society

Conscious Talk Radio

Cornell Lab of Ornithology

Delmarva Ornithological Society

Earthjustice

Eastern Long Island Audubon Society

ECOAN

Endangered Habitats League

Endangered Species Coalition

Environmental Protection Information Center

Friends of the San Pedro River

Grand Canyon Trust

Grand Valley Audubon Society

Great Old Broads for Wilderness

Greater Hells Canyon Council



Kalmiopsis Audubon Society

Kettle Range Conservation Group

Klamath Forest Alliance

Lane County Audubon Society

Los Angeles Audubon Society

Maricopa Audubon Society

Maryland Ornithological Society

Michigan Audubon

Minnesota River Valley Audubon Chapter

Missouri River Bird Observatory

Montana Wilderness Association

Napa Climate NOW!

Nevada Conservation League

New Mexico Sportsmen

North Dakota Birding Society

NY4Whales/NY4Wildlife

Old Hemlock Bird Observatory

Olympic Vulture Study

Oregon Natural Desert Association

Otter Creek Audubon Society

Ozark Nature

Port Crescent Hawk Watch

Prairie Hills Audubon Society

Prince George's County Audubon Society

Quad City Audubon Society

Rainier Audubon Society

Rogue Valley Audubon

Roanoke Valley Bird Club

Rockbridge Bird Club

Rocky Mountain Wild

Saint Louis Audubon

Salem Audubon Society

San Bernardino Valley Audubon Society

Save Our Sky Blue Waters

Saving Birds Thru Habitat

Sequoia ForestKeeper

Sierra Club

Sierra Foothills Audubon Society

Soda Mountain Wilderness Council

South Lake Simcoe Naturalists

Southern Maryland Audubon Society

Tampa Audubon Society

Texas Biodiversity Action Group

The Lands Council

The Urban Wildlands Group



Tri-County Bird Club
Tucson Audubon Society
Turtle Island Restoration Network
Virginia Society of Ornithology
Wasatch Audubon Society
Western Nebraska Resources Council
Western Watersheds Project
Wild Utah Project
WildEarth Guardians
Wildlife Conservation Advocacy Southwest
Wyoming Wilderness Association
Zoo Knoxville

Steve Holmer
Vice President of Policy
American Bird Conservancy &
Director, Bird Conservation Alliance
202-888-7490
sholmer@abcbirds.org

www.abcbirds.org, https://abcbirds.org/get-involved/bird-conservation-alliance/, ABC on Facebook, ABC Videos

<image004.jpg>

<Sage Grouse Review.pdf>



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>Galvin, Joan; Roslyn Sellars; Thomas Irwin</u>

Subject: Re: Meeting request

Date: Sunday, March 4, 2018 8:48:31 PM

Hi Joan

Good to meet you via email. I would be glad to meet with you at my office at some point of mutual agreement.

I have cc'd my assistants on this reply and one of them can set up a meeting sometime soon.

Thanks Greg

On Tue, Feb 27, 2018 at 11:53 AM, Galvin, Joan < <u>JGalvin@kelleydrye.com</u>> wrote: | Greg,

Todd Willens suggested I reach out and introduce myself. My firm and I represent a variety of clients with interests before USFWS - including public display, pet trade, trappers and others who work with listed species.

I was hoping to arrange a meeting for one of my colleagues and I to come in and both introduce ourselves and our constituencies but also to talk about a few current / pending matters involving import / export matters.

Would it be best to work out possible times with your scheduler?

Many thanks!

Joan Galvin

Sent from my iPhone

Joan Galvin | Government Relations Advisor Kelley Drye & Warren LLP Washington Harbour, Suite 400 3050 K Street, NW, Washington, DC 20007-5108 202.342.8638 | jgalvin@kelleydrye.com www.kelleydrye.com

This message is subject to Kelley Drye & Warren LLP's email communication policy. KDW-Disclaimer: https://protect-us.mimecast.com/s/328mCYEQRJh6KrJysGQXtx



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Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Jim Kurth

To: Sherice Pittman

Subject: Re: Meeting with the Pacific Salmon Commission (PSC) Delegation February 26- March 2, 2018

Date: Thursday, February 22, 2018 12:49:43 PM

Unfortunately, I will be out of town that week and unable to meet.

Sent from my iPhone

On Feb 22, 2018, at 11:47 AM, Sherice Pittman <<u>shericep@senseinc.com</u>> wrote:

Good Morning,

As follow up to the mail below, are you available to meet with the PSC delegation?

Than you.

From: Sherice Pittman

Sent: Friday, February 16, 2018 6:03 PM

To: 'jim kurth@fws.gov'

Subject: FW: Meeting with the Pacific Salmon Commission (PSC) Delegation February 26-

March 2, 2018

Good Evening,

The US/Canada Pacific Salmon Treaty and implementing legislation were passed by Congress in 1985. While the Treaty itself does not expire, many of the fishing regimes contained in Annex IV of the Treaty expire at the end of 2018. The United States and Canada are negotiating new regimes that will last for the next ten years. These new regimes will address conservation concerns and allocation of harvest for many Pacific salmon populations for Alaska, British Columbia and the Pacific Northwest. Additional resources necessary to implement the new fishery management regimes are being identified and sought from the federal government. Failing to successfully negotiate and implement the new regimes would result in a serious disruption of the salmon fishing industry from Alaska to Oregon. The resulting economic loss and job loss would be devastating to the Alaskan/Northwest region.

The U.S. Section contingent of Commissioners will be in Washington, DC Monday, February 26, 2018 through Friday, March 2, 2018 and would like to meet with you to discuss US/Canada Pacific Salmon Treaty Implementation (PST). The delegation is available to meet between 9:30 a.m. – 5:30 p.m. Monday, February 26th through Thursday, March 1st and Friday, March 2nd from 9:30 am through 1:00 p.m., 2018, the delegation would be appreciative for a favorable response.

Representing the U.S. Section contingent will be:



W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe (WA) & Commissioner PSC

Bill Auger, Alaska Alternate Commissioner Mike Matylewich, Columbia River Inter-Tribal Fish Commission(OR)

Christine Mallette, Program Manager-Columbia River Investigations (OR) Department of fish & Wildlife

Charles Swanton, Deputy Commissioner, State of Alaska Department of Fish and Game

Currently the schedule is open. Please let me know the status of you availability to meet during this time period. Thank you for considering this request.

Regards,

Sherice Pittman
SENSE Incorporated
Upshaw Place
1133 20th Street N.W, Suite 220
Washington, D.C. 20036-3462
(P)202-628-1151
(F)202-638-4502



From: Greg Sheehan
To: Whit Fosburgh

Subject: Re: National Parks Traveler: Congress Renews Effort To Remove Wolves From Endangered Species Protections

Date: Friday, July 7, 2017 6:52:43 AM

Hi Whit

Yes, headed to WAFWA this morning. How about we meet next Friday 7/14 at 3 pm?

Thanks Greg

Greg Sheehan, Acting Director Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Jul 6, 2017, at 5:33 PM, Whit Fosburgh < wfosburgh@trcp.org > wrote:

Greg:

You may already be on your way to WAFWA, but I'd love to get together. I'm wide open tomorrow and pretty open Monday and Tuesday before heading to ICAST on Wednesday. I'm also around next Friday afternoon and the week of the 17th.

Thanks.

Whit

Whit Fosburgh
President & CEO
Theodore Roosevelt Conservation Partnership
529 14th St., NW, Suite 500
Washington, DC 20045
(202) 639-TRCP (8727) ext. 23
(202) 320-4660 (cell)
(202) 639-8728 (fax)
wfosburgh@trcp.org

www.TRCP.org

Please note new address!



From: Greg Sheehan [mailto:greg_j_sheehan@fws.gov]

Sent: Tuesday, July 04, 2017 11:50 PM **To:** Whit Fosburgh <<u>wfosburgh@trcp.org</u>>

Subject: Re: National Parks Traveler: Congress Renews Effort To Remove Wolves From

Endangered Species Protections

Hi Whit. I won't be at ICast but will be at WAFWA later this weekend. If you won't be there then let's meet soon in D.C. Have some things I would like your input on.
Thanks
Greg

Greg Sheehan, Acting Director Principal Deputy Director US Fish and Wildlife Service 202-208-4545 Cell. 202-676-7675

On Jul 4, 2017, at 4:14 PM, Whit Fosburgh < wfosburgh@trcp.org > wrote:

Thanks, guys, for the kind words. Nick, I'll see you at ICAST; Greg, will you be there? If not let's visit in DC soon.

Whit

Sent from my iPhone

On Jul 4, 2017, at 3:20 PM, Sheehan, Gregory < greg j sheehan@fws.gov> wrote:

Thank you Whit for your excellent comments supporting on the ground conservation measures.

Greg

On Mon, Jul 3, 2017 at 11:35 PM, Wiley, Nick < Nick. Wiley @ myfwc.com > wrote:

Best quote of the year Whit! Awesome! Thank you! Nick

"When we take recovered species off the list, we strengthen the Endangered Species Act by making truly endangered species a priority — species shouldn't stay on the list forever," said Mr. Fosburgh. "We trust in state fish and wildlife agencies to manage wildlife, and science indicates this is the next step for wolves."



Congress Renews Effort To Remove Wolves From Endangered Species Protections

National Parks Traveler

In exchange, the legislation would reauthorize several conservation programs Read the full story

Shared from **Apple News**

Nick Wiley
Executive Director
Florida Fish and Wildlife Conservation Commission
MyFWC.com

--

Greg Sheehan, Acting Director Principle Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



From: Greg Sheehan
To: Whit Fosburgh

Subject: Re: National Parks Traveler: Congress Renews Effort To Remove Wolves From Endangered Species Protections

Date: Friday, July 7, 2017 9:39:42 AM

My office if that is ok. Thank you Greg

Greg Sheehan, Acting Director Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Jul 7, 2017, at 7:59 AM, Whit Fosburgh <<u>wfosburgh@trcp.org</u>> wrote:

Perfect. Interior?

Sent from my iPhone

On Jul 7, 2017, at 7:52 AM, Greg Sheehan < greg j sheehan@fws.gov > wrote:

Hi Whit

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Greg Sheehan, Acting Director Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

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Thanks.

Whit

Whit Fosburgh
President & CEO
Theodore Roosevelt Conservation Partnership
529 14th St., NW, Suite 500
Washington, DC 20045
(202) 639-TRCP (8727) ext. 23
(202) 320-4660 (cell)
(202) 639-8728 (fax)
wfosburgh@trcp.org
www.TRCP.org
Please note new address!

•

From: Greg Sheehan [mailto:greg j sheehan@fws.gov]

Sent: Tuesday, July 04, 2017 11:50 PM **To:** Whit Fosburgh <<u>wfosburgh@trcp.org</u>>

Subject: Re: National Parks Traveler: Congress Renews Effort To Remove Wolves From Endangered Species Protections

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Greg Sheehan, Acting Director Principal Deputy Director US Fish and Wildlife Service 202-208-4545 Cell. 202-676-7675

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Sent from my iPhone

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Greg

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Congress Renews Effort To Remove Wolves From Endangered Species Protections

National Parks Traveler

In exchange, the legislation would reauthorize several conservation programs Read the full story

Shared from **Apple News**



Nick Wiley
Executive Director
Florida Fish and Wildlife
Conservation Commission
MyFWC.com

--

Greg Sheehan, Acting Director Principle Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



From: Kurth, Jim
To: Cynthia Edwards

Subject: Re: NAWNRC - Special Session - Reminder to Speakers

Date: Tuesday, February 21, 2017 9:40:22 AM

Attachments: Jim Kurth bio.docx

This is the bio I have on hand, fel free to cut it as short as you need,

On Tue, Feb 21, 2017 at 9:48 AM, Cynthia Edwards Good morning!

Just a quick reminder to please send me a short bio that we can use to introduce you at the session on March 8th.

Also - whenever you complete your slides please send me those as well - not later than the evening of March 7th. And if you have it on a jump drive I will take it on the 7th. I arrive in Spokane mid afternoon that day.

Thank you!

Cynthia

--

Cynthia Kallio Edwards, M. Sc SECAS Coordinator

Cell: (337) 207-9377

Office: (601) 965-4903 (ext 303)



Jim Kurth was appointed as the U.S. Fish and Wildlife Service's Deputy Director for Operations on January 7, 2015.

As Deputy Director for Operations, Kurth promotes and implements the agency's mission and priorities throughout the United States and abroad by developing and strengthening partnerships with other federal agencies and foreign governments, states, tribes, non-governmental organizations and the private sector. He also assists the Director in ensuring agency performance and accountability, customer service, and consistent application of all Service resource management policies.

Kurth has primary responsibility for managing the day-to-day implementation of the Service's field-based mission. This includes overseeing an appropriated budget of \$2.5 billion and nearly 9,000 employees working across the nation and in many foreign countries. These employees spearhead efforts to conserve the nation's native fish, wildlife and plants on 566 national wildlife refuges and 38 wetland management districts encompassing more than 850 million acres in all 50 states; operate 69 National Fish Hatcheries; and administer fish and wildlife programs, including endangered species recovery, from 64 Fishery Resources Offices and 81 Ecological Services Field Offices nationwide.

A 37-year career Fish and Wildlife Service employee, Kurth previously served as Chief of the National Wildlife Refuge System beginning in 2011. In nearly four years as Chief and 11 years prior to that as Deputy Chief, he led management of the world's premier system of public lands and waters set aside to conserve America's fish, wildlife, and plants.

After graduating with a degree in wildlife management from the College of Natural Resources at the University of Wisconsin -Stevens Point, Kurth began his Fish and Wildlife Service career in 1979 with posts at Mississippi Sandhill Crane National Wildlife Refuge, Arthur R. Marshall Loxahatchee National Wildlife Refuge in Florida, Bogue Chitto National Wildlife Refuge in Louisiana, Seney National Wildlife Refuge in Michigan's Upper Peninsula, and Ninigret National Wildlife Refuge in Rhode Island.

Starting in 1994, Kurth managed the Arctic National Wildlife Refuge in northern Alaska -- the largest refuge in the United States, spanning 20 million acres. Arctic also contains an 8-million-acre Wilderness Area – the largest within the Refuge System.

Kurth and his wife of 39 years, Tricia, live in Northern Virginia.



From: <u>Kurth, Jim</u>
To: <u>Wiley, Nick</u>

Subject: Re: no extension for Draft Lynx SSA review deadline

Date: Thursday, February 2, 2017 3:55:14 PM

Let me do some checking and I will get back to you . . .

On Thu, Feb 2, 2017 at 1:27 PM, Wiley, Nick < Nick.Wiley@myfwc.com > wrote:

Jim. Can we get some reconsideration on this? I realize there is a well defined process for considering broad input and you guys have court ordered timelines to meet, but this decision just seems to illustrate how state f&w agencies seem to be in the same box with all other commenting interests. This just doesn't sit well, and it seems a request for a 30 day extension is reasonable. Thanks for your consideration. Nick

Nick Wiley
Executive Director
Florida Fish and Wildlife Conservation Commission
MyFWC.com

Begin forwarded message:

From: Bush, Jodi [mailto:jodi bush@fws.gov]
Sent: Wednesday, February 01, 2017 1:28 PM

To: Jonathan Mawdsley

Cc: Jim Zelenak

Subject: Re: extension requested for Draft Lynx SSA review deadline

Good afternoon Jonathan.

As you know, the Service is currently preparing a Species Status Assessment

(SSA)

to document a 5 year review process

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DPS

. If the outcome of this 5 year review is a recommend ation that the DPS remain listed

we will move forward with recovery planning. We have a settlement agreement that calls for a final recovery plan to be completed by January 2018.

We are behind our schedule to meet this court mandated timeline.

On March 2 and 3,

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e have a Service meeting where decision makers will review the SSA and consider any comments we have received. The outcome from that meeting will be one of three determinations: (1) keep the

DPS

status as threatened,(2) upgrade it to endangered, or (3) determine that the

DPS

no longer warrants listing.

Comments received later than Feb. 10 (and outside of your attempt to collate comments) and before our meeting will still be considered but may not get the same level of consideration in the Service meeting as comments received by Feb. 10.

The draft SSA is being reviewed through a blind Peer Review process. We have also shared the draft SSA with our Federal and



T

ribal partners. It has also been shared across the range of the

DPS

with our

S

tate partners in fish and game agencies as well as other State natural resource agencies. This is a lot of comments to review before our internal meeting.

We encourage the States to provide meaningful comments

regarding the scientific information as captured in the SSA

to us as soon as possible and at a minimum to you -Jonathan -by Feb. 10. Comments received after that point and before our March 2/3 meeting will be considered

within the SSA

as we are able. We realize that more time would be helpful but are unable to grant an additional 30 days review time to anyone at this time.

Please note that regardless of the outcome of the 5 year review, there will be additional opportunities to provide input, either through a

recovery planning process or a proposed rule to delist.

We appreciate your interest

and participation

in

the lynx SSA process.

Thank you. JB

Jodi L. Bush

Office Supervisor

Montana State Ecological Services Office

585 Shepard Way, Suite 1



Helena, MT 59601

(406) 449-5225, ext.205

On Tue, Jan 31, 2017 at 10:23 AM, Jonathan Mawdsley < <u>imawdsley@fishwildlife.org</u>> wrote:

Jodi,

I have heard now from several of the states involved in the review of the draft Canada Lynx SSA. An extension of 30 days would be very helpful to them in reviewing the document and providing constructive feedback to the Service. Please advise if a 30 day extension is possible and I will communicate to the state reviewers. Many thanks in advance for your consideration – I look forward to hearing from you.

With best regards,

Jonathan Mawdsley

Jonathan R. Mawdsley, Ph.D.

Science Advisor

Association of Fish and Wildlife Agencies

1100 First Street, NE, Suite 825

Washington, DC 20002 USA

Phone: (202) 838-3462

Cell: (202) 997-6628

Fax: (202) 350-9869

E-mail: <u>jmawdsley@fishwildlife.org</u>

Web: http://www.fishwildlife.org



From: <u>Kurth, Jim</u>
To: <u>Wiley, Nick</u>

Subject: Re: no extension for Draft Lynx SSA review deadline

Date: Friday, February 3, 2017 4:40:15 PM

Attachments: Lynx SSA.docx

Nick,

Here's the situation as I understand it. We have a court ordered deadline of January 2018 to produce a recovery plan. We are doing an updated species status assessment first (to see if listing is still warranted). The decision whether the species will remain on the list will be made at a meeting of the 4 effected Regional Directors and senior staff on March 2-3.

While we have asked for information by February 10, we will still accept information from the States after that date. To take information 30 more days would mean rescheduling 4 Regional Directors and that is very difficult. There are about 20 additional days after the 10th to submit information, but it will difficult to synthesize information received at the last minute. But certainly there are two more weeks we can accept and synthesis information. If there is particularly important information that comes in after the 10th, I would appreciate it if you can flag it for my attention.

I feel strongly that we are not treating the States like everyone else on this. All 15 range States were given a seat at the table and staff have been participating on the status assessment for well over a year. i asked Gary to document how we have including States in this effort and that is detailed on the attached document. If the species warrants continued listed, we need the remaining time until January to continue to work with States on a recovery plan.

When I looked at all of the work have done cooperatively with States on this status assessment, I thought it looked like a good example of how we should work together. We certainly have afforded States a special role in the process.

If you disagree. let's discuss.

jim

On Thu, Feb 2, 2017 at 4:57 PM, Wiley, Nick < Nick. Wiley@myfwc.com > wrote:

Thank you!

Nick Wiley

Executive Director

Florida Fish and Wildlife Conservation Commission

MyFWC.com

On Feb 2, 2017, at 4:55 PM, Kurth, Jim < <u>iim_kurth@fws.gov</u>> wrote:

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Florida Fish and Wildlife Conservation Commission
MyFWC.com

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in

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Thank you. JB

Jodi L. Bush

Office Supervisor



Montana State Ecological Services Office

585 Shepard Way, Suite 1

Helena, MT 59601

(406) 449-5225, ext.205

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With best regards,

Jonathan Mawdsley

Jonathan R. Mawdsley, Ph.D.

Science Advisor

Association of Fish and Wildlife Agencies

1100 First Street, NE, Suite 825

Washington, DC 20002 USA

Phone: (202) 838-3462

Cell: (202) 997-6628

Fax: (202) 350-9869



E-mail: jmawdsley@fishwildlife.org

Web: http://www.fishwildlife.org



- The Service designated lynx in the contiguous U.S. as a DPS in 2000.
- In June 2014, the U.S. District Court for Montana ordered the Service to complete a recovery plan by January 15, 2018. So we have a hard judicial deadline, now less than a year away.
- The Region was already planning a 5 year review to determine whether the species still warranted listing as threatened. Rather than abandon that effort and develop a recovery plan for a species that might not still warrant listing, they stayed the course and invited the states to participate in a Species Status Assessment (SSA) to inform the 5 year review and, possibly, a recovery plan.
- Initial efforts to engage representatives of each regional association in the SSA, so as to
 limit the number of people at the table to a reasonable number, were not accepted by the
 states. Every state wanted to have someone at the table, they raised it at the Spring 2015
 AFWA meeting through the T&E Committee, and Nick (as chair of that committee)
 asked the Service to accommodate all the states.
- The Region did accommodate all the states, so now there are 15 state fish and wildlife agencies involved in the SSA, and the field office has been engaging them in monthly conference calls as the effort has progressed. Calls started in July 2015 and have been held almost every month since then. Mostly state technical staff, not management, on these calls. There have also been a couple webinars, and the states participated in a science panel meeting in October 2015, including review of the draft and final report of that meeting.
- Beginning with the July 2016 monthly call, the states were repeatedly reminded of the
 deadline we have to live with and the schedule for producing and reviewing the SSA
 report. No state objected to the requested 30 day turnaround for comments during these
 calls.
- The schedule for getting the draft out for state review has slipped, however. Originally targeted for October 2016.
- This SSA will inform a determination by Service decision makers (4 RDs and their ARDs) of whether: (1) the DPS continues to warrant protection under the ESA, and (2) a recovery plan is needed to guide conservation and recovery of the lynx DPS. It took a great deal of effort to coordinate calendars of all those senior execs to schedule a couple days for this decision meeting. It's scheduled for Mar 2-3, and re-scheduling will result in significant inconvenience and delay. Delay will further jam us on meeting our deadline for the recovery plan, if that is the route they take.
- The Service has expended a lot of additional resources and sacrificed our schedule in order to accommodate all the states within lynx range, <u>in recognition of the special relationship we have</u>. The Service is also not sharing the draft SSA with the public, again



in recognition that the state fish and wildlife agencies are not just any other interested party. But if the states want to play in the ESA arena, they have to respect the statutory and judicial deadlines that come with that role. The special relationship doesn't mean that we agree to ignore deadlines or accept additional liabilities.

- Jody's note made clear that the Feb 10 deadline is not hard and fast and gave the states permission to submit comments later, but with the understanding that the window is closing and late comments may not be considered with the same rigor as comments submitted earlier. Again, the schedule for the draft SSA review was forecast to the states for months in advance of Jan 10.
- If we go down the recovery plan route, there will be time to provide additional comments to inform the plan.
- If we conclude that listing is no longer warranted, the states will all be happy. If the states are concerned that this schedule won't give them enough time to inform a "not warranted" determination, then they need to set some priorities, just like we do every day.



 From:
 Sheehan, Gregory

 To:
 Bridget Psarianos

 Cc:
 roslyn_sellars@fws.gov

Subject: Re: Notice of Violation of ESA Section 7

Date: Tuesday, February 6, 2018 10:15:31 PM

Attachments: <u>image003.png</u>

image001.png image005.png image002.png image004.png

Thank you Bridget. Email was received but of course please send the hard copy as that probably serves more formally as the notice. Please add "Room 3358" at the end of the street address.

Thanks Greg

On Tue, Feb 6, 2018 at 2:35 PM, Bridget Psarianos < by sarianos @trustees.org > wrote:

Dear Mr. Sheehan,

Please see attached letter and confirm receipt of this email. Please do not hesitate to contact me at (907) 433-2011 or <u>bpsarianostrustees.org</u> with any questions or to notify the Petitioners of any incomplete or erroneous information you find in this notice letter.

Thank you,

Bridget Psarianos

Staff Attorney

Trustees for Alaska

1026 W. 4th Ave., Ste. 201

Anchorage, AK 99501

(907) 433-2011

(907) 276-7110 fax

bpsarianos@trustees.org







The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please email the sender at bpsarianos@trustees.org.

--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



From: <u>Gregory Sheehan</u>
To: <u>Ryan Shannon</u>

Subject: Re: Notice of Violations of the Endangered Species Act: Establishment of Agency Guidelines for "State

Representation on Species Status Assessment Teams"

Date: Thursday, December 7, 2017 9:15:10 PM

Thank you for the letter Ryan. We will review with our Solicitors office. Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Dec 7, 2017, at 1:00 PM, Ryan Shannon < RShannon@biologicaldiversity.org > wrote:

Dear Principal Deputy Director Greg Sheehan,

The Center for Biological Diversity hereby provides notice, pursuant to Section 11(g) of the Endangered Species Act, that Principal Deputy Director Greg Sheehan's "State Representation on Species Status Assessment Teams" Memorandum violates the Endangered Species Act and the Administrative Procedure Act. As provided by the Endangered Species Act citizen suit provision, if you do not act within 60 days to correct these violations, the Center for Biological Diversity will bring legal action and seek declaratory and injunctive relief as appropriate.

If you would like to discuss these issues or believe that anything stated above is in error, please contact the undersigned.

We appreciate your prompt consideration of this letter and the issues raised herein.

| Ryan Shannon, Staff Attorney | Center for Biological Diversity | | www.biologicaldiversity.org | rshannon@biologicaldiversity.org | 503-283-5474 ext. 407 |

*****CONFIDENTIALITY NOTICE******

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

<2017.12.7 Notice of Violations of the ESA - Establishment of Agency Guidelines for State Representation on Species Status Assessment Teams.pdf>



From: Grea Sheehan To: Arway, John Cc:

@outlook.com; Ron Regan; James Connolly (james.connolly@maine.gov); Virgil Moore; MO-Sara Parker Pauley io.gov); NE-Jim Douglas (jim.douglas@nebraska.gov); Gordon Myers; AB-Travis Ripley (travis.ripley@gov.ab.ca); Glenn Normandeau; Ed Carter; SD-Kelly Hepler (kelly hepler@state sd.us); TX-Carter Smith (Carter.Smith@tpwd.texas.gov); SC-Alvin Taylor (taylora@dnr.sc.gov): Catherine Sparks; twasley@ndow.org: OR-Curt Melcher (curt.melcher@state.or.us); Sutton Eric; Scott Talbott; Chuck Sykes; rusty.garrison@dnr.ga gov; Gregory Johnson: Jack Montucet; J.D. Strong; Sam Polles; Curtis Hopkins; CA-Charlton Chuck Bonham; Ty Gray: Terry Steinwand; John Frampton; Gary Taylor; Jen Mock Schaeffer; Gina Main; Colin O"Mara; Ross Melinchuk; collin@fwcc.onmicrosoft.com; williams@fwcc.onmicrosoft.com; steve; jack@fwcc.onmicrosoft.com

Subject: Re: Passing of the torch in Florida Date: Thursday, December 7, 2017 9:33:49 PM

Nick.

None of us could fully express in a brief email our full appreciation for your friendship and commitment to fish and wildlife conservation in Florida and across America.

Just know that we do know what you have done for the resource and will be forever grateful. Keep smiling and having fun in the duck world.

I'm sure we will continue to see you around.

Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Dec 7, 2017, at 4:44 PM, Arway, John < <u>iarway@pa.gov</u>> wrote:

Best wishes in your new role with DU Nick. Welcome aboard Eric and just be careful trying to fill Nick's shoes since he wore a boot for a while that came with a scooter. Just be careful with that first step!

><(John{(°>

Do Your Duty and Fear No One.... R. W. Abele

From: Wiley, Nick < nick.wiley@myfwc.com > Sent: Thursday, December 7, 2017 3:40 PM Subject: Re: Passing of the torch in Florida

@outlook.com <bobb.broscheid@state.co.us>, Ron Regan <rregan@fishwildlife.org>,

James Connolly (james.connolly@maine.gov) < james.connolly@maine.gov>, Virgil Moore

< virgil.moore@idfg.idaho.gov>, MO-Sara Parker Pauley (sara.pauley@mdc mo.gov)

<sara.pauley@mdc.mo.gov>, NE-Jim Douglas (jim.douglas@nebraska.gov)

<<u>iim.douglas@nebraska.gov</u>>, Gordon Myers <<u>gordon myers@ncwildlife.org</u>>, AB-Travis Ripley

(travis ripley@gov.ab.ca) <travis ripley@gov.ab.ca>, Glenn Normandeau

<glenn normandeau@wildlife.nh.gov>, Ed Carter <ed.carter@tn.gov>, SD-Kelly Hepler

(kelly.hepler@state.sd.us) < kelly hepler@state.sd.us>, TX-Carter Smith

(Carter.Smith@tpwd.texas.gov) < carter.smith@tpwd.texas.gov>, SC-Alvin Taylor

(taylora@dnr.sc.gov) <taylora@dnr.sc.gov>, Catherine Sparks <catherine.sparks@dem ri.gov>,

Arway, John , , OR-Curt Melcher (curt melcher@state.or.us)

<<u>curt.melcher@state.or.us</u>>, Sutton, Eric <<u>eric.sutton@myfwc.com</u>>, Scott Talbott

<scott.talbott@wyo.gov>, Chuck Sykes <chuck.sykes@dcnr.alabama.gov>,

<rusty.garrison@dnr.ga.gov>, Gregory Johnson <gregoryk.johnson@ky.gov>, Jack Montucet</r>

<jmontoucet@wlf.la.gov>, J.D. Strong <jd.strong@odwc.ok.gov>, Greg Sheehan

<greg j sheehan@fws.gov>, Sam Polles <donniet@mdwfp.state ms.us>, Curtis Hopkins

@bellsouth net>, CA-Charlton "Chuck" Bonham <cbonham@dfg.ca.goy>, Ty Gray

<tgray@azgfd.gov>, Terry Steinwand <tsteinwa@nd.gov>, John Frampton

< iframpton@fishwildlife.org>, Gary Taylor (5)(6) @comcast net>, Jen Mock Schaeffer

<ienmock@fishwildlife.org>, Gina Main <<ienm@matteam.org>, Colin O'Mara <</e>collin@nwf.org>,

Ross Melinchuk <<u>ross melinchuk@tpwd.state.tx.us</u>>, <<u>collin@fwcc.onmicrosoft.com</u>>,

<wi>illiams@fwcc.onmicrosoft.com>, steve <will@fwcc.onmicrosoft.com>, steve



<williams@fwcc.onmicrosoft.com>, <iack@fwcc.onmicrosoft.com>

Hello Dear Colleagues. It has been a great pleasure working with you guys! Eric will do a great job as our new director in Florida. He is included in this email so you have contact. I will be starting the new job at DU on January 15.

I will be staying in touch. Take care, happy holidays and merry Christmas! Nick

Nick Wiley Florida Fish and Wildlife Conservation Commission MvFWC.com

Florida Fish and Wildlife Conservation Commission

(Having trouble viewing this email? View it as a Web page.)

For immediate release: Dec. 7, 2017

Media contact: Katie Purcell, 850-459-6585 or Katie.Purcell@MyFWC.com

Photos available on the FWC's Flickr site: http://bit.ly/2j34CZV

Suggested Tweet: Eric Sutton appointed @MyFWC executive

director: https://content.govdelivery.com/accounts/FLFFWCC/bulletins/1ca7e20 #Florida

FWC appoints Eric Sutton as executive director

The Florida Fish and Wildlife Conservation Commission (FWC) voted to appoint Eric Sutton, assistant executive director, to the position of executive director, effective <u>Dec. 8</u>. Nick Wiley, current executive director, retires later this month.

Commissioners touted Sutton's extensive experience with challenging conservation issues and his positive relationships with fellow FWC staff.

"We have received many accolades for the agency under the leadership of Chairman Brian Yablonski and Executive Director Nick Wiley. They have been at the tip of the spear, but it's the whole family who supports the conservation efforts," said Commissioner Bo Rivard. "As we continue to face changes and new challenges, it is important to have continuity. Eric has been filling roles lately due to Nick's national leadership positions and has proven himself capable of this important role."

Sutton has been the FWC assistant executive director since May 2013. He has worked in government and the private sector since the early 1990s in areas including acquisition and management of public lands, land use regulations, listed species policy, invasive species management and coastal management. He received both his bachelor's and master's degree in zoology from the University of South Florida. The emphasis of his work was on endangered species population biology.

"Eric does a great job. I see that he's got the confidence of his FWC family members, and how dedicated and concerned he is about the agency and people of Florida," said Commissioner Robert Spottswood.

"As a sportsman and ecologist, it is a tremendous honor to be able to accept this challenge and represent such a talented and dedicated team managing the tremendous fish and wildlife resources of Florida," said Eric Sutton.

Sutton's appointment as executive director will now go to the Florida Senate for confirmation.



ST/CR	



From: **Gregory Sheehan** To: Jenny Loda

Subject: Re: Petition to List Dixie Valley Toad Under the ESA Date: Thursday, September 21, 2017 10:28:58 AM

Thank you Jenny. I have forwarded to Gary Frazier in our ES group.

Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

> On Sep 20, 2017, at 6:27 PM, Jenny Loda < JLoda@biologicaldiversity.org> wrote:

> Apologies, I previously attempted to send this to the wrong email address. Please see the attached petition to list the Dixie Valley toad under the Endangered Species Act. I also sent you a paper copy via Priority U.S. mail yesterday, along with a paper copy of a technical memorandum prepared for the petition by a hydrologist, and a cd containing all of the scientific literature cited in the petition.

> Please let me know if you have trouble with any of these documents or any other questions.

> Thank you,

> Jenny Loda

> Amphibian and Reptile Staff Attorney

> Center for Biological Diversity

> 1212 Broadway, Ste 800

> Oakland, CA 94612

> (510) 844-7100 x 336

> JLoda@biologicaldiversity.org< mailto: JLoda@biologicaldiversity.org>

> From: Jenny Loda

> Sent: Monday, September 18, 2017 8:29 AM

> To: 'exsec@ios.doi.gov'; 'Greg_Sheehan@fws.gov'; Paul_Souza@fws.gov

> Cc: Noah Greenwald; Patrick Donnelly (PDonnelly@biologicaldiversity.org); 'Tierra Curry'

> Subject: Petition to List Dixie Valley Toad Under the ESA

> Please see the attached petition to list the Dixie Valley toad under the Endangered Species Act. Cited references will be sent on a cd via US mail. Please contact me if you have any questions.

> Thank you,

> Jenny Loda

> Amphibian and Reptile Staff Attorney

> Center for Biological Diversity

> 1212 Broadway, Ste 800

> Oakland, CA 94612

> (510) 844-7100 x 336

> JLoda@biologicaldiversity.org< mailto: JLoda@biologicaldiversity.org>

>

>



> < Final Petition to List Dixie Valley toad under the ESA.pdf>



 From:
 Greg Sheehan

 To:
 Jen Mock Schaeffer

 Cc:
 Nick Wiley

Subject: Re: Request for agenda items: AFWA"s Threatened & Endangered Species Policy Committee meeting

Date: Wednesday, August 9, 2017 6:23:29 PM

Nothing to add right now. With lots of discussion pending over ESA reform both congressionally and administratively it is hard to say where we are headed. Gary won't likely have lots to report. Still good to hold the meeting I believe since the last one was canceled.

Thanks Greg

Greg Sheehan, Acting Director Principal Deputy Director US Fish and Wildlife Service 202-208-4545 202-676-7675 cell

On Aug 9, 2017, at 4:38 PM, Jen Mock Schaeffer < <u>JenMock@fishwildlife.org</u>> wrote:

Hi Greg,

Please let me know if there are specific subjects you want to discuss during the upcoming TESP Committee meeting. As you know, Gary Frazer usually gives an update or sometimes has sent a proxy to present on things the FWS is working on. I'll let you know what I hear from Gary regarding his usual FWS update. I am happy to provide you with an opportunity to speak to the committee and even lead a discussion if you would like. Just let me know.

Best,

Jen

Jen Mock Schaeffer Government Affairs Director Association of Fish & Wildlife Agencies

We moved! Our new address is:

1100 First Street NE, Suite 825 - Washington, DC 20002

NEW Ph: 202-838-3468 **NEW** Fax: 202-350-9869 Cell: 202-870-8062

From: Jen Mock Schaeffer

Sent: Wednesday, August 09, 2017 4:33 PM

To: 'Angela.Somma@noaa.gov'; 'aseidman@safariclub.org';

'becky.gwynn@dgif.virginia.gov'; 'brent.keith@tnc.org'; 'brian.nesvik@wyo.gov'; 'bruce.dale@alaska.gov'; 'charlie.todd@maine.gov'; 'chris.berens@ksoutdoors.com';



```
'chris.krenz@alaska.gov'; 'ckovach@wildlife.org'; 'craig.mclaughlin@state.co.us';
            @msn.com'; 'curban@pa.gov'; 'daniel.rosenblatt@dec.ny.gov';
'dburdin@safariclub.org'; 'dirk.miller@wyo.gov'; 'Don Kent@natureserve.org';
'<u>Drew.Feldkirchner@wisconsin.gov</u>'; '<u>earnett@trcp.org</u>'; '<u>Eileen.DowdStukel@state.sd.us</u>'; '<u>Eric.Gardner@dfw.wa.gov</u>'; '<u>erin.crain@wisconsin.gov</u>'; '<u>gary_frazer@fws.gov</u>';
'gray.anderson@tn.gov'; 'hanshues1@michigan.gov'; 'jaburns@fs.fed.us';
'Jason.Suckow@aphis.usda.gov'; 'javey@azgfd.gov'; 'jbullock@resourcemgt.com';
'jcooley@azgfd.gov'; Jen Mock Schaeffer; 'jenny.dickson@ct.gov';
'Jim.Unsworth@dfw.wa.gov'; 'inewmark@ndow.org'; 'joe.kath@illinois.gov';
'john.davis@tpwd.texas.gov'; 'jon.ambrose@dnr.ga.gov'; 'kelly.poole@dnr.iowa.gov';
'kendra.wecker@dnr.state.oh.us'; 'kennedyd@michigan.gov'; 'kieran.m.o'malley@wv.gov';
'ktripp@blm.gov'; 'lisa.holst@dec.ny.gov'; 'mark.sasser@dcnr.alabama.gov';
'MatthiasL.Sayer@state.nm.us'; 'mbayless@batcon.org'; 'mike.pinder@dgif.virginia.gov';
'mikecanning@utah.gov'; 'mlewis@safariclub.org'; 'mrabe@azgfd.gov';
'mtacconelli@safariclub.org'; 'nick.nichols@dcnr.alabama.gov';
'norman.murray@mdc.mo.gov'; 'reid.dewalt@state.co.us'; 'renne_lohoefener@fws.gov';
'<u>richard.baker@state.mn.us</u>'; '<u>rick_kahn@nps.gov</u>'; '<u>scott.edberg@wyo.gov</u>';
'scott.taylor@nebraska.gov'; 'shilburger@usgs.gov'; 'shipesd@dnr.sc.gov';
'SHolmer@abcbirds.org'; 'sjoberg@ndow.org'; 'SJohnson@dnr.IN.gov';
@live.com'; 'stephen.r.kendrot@aphis.usda.gov'; 'steve.merchant@state.mn.us'; 'steve.rider@dcnr.alabama.gov'; 'sunni.carr@ky.gov'; 'thomas.eason@myfwc.com';
'todd.ewing@ncwildlife.org', 'travis.ripley@gov.ab.ca', 'william.posey@agfc.ar.gov',
'william austin@nps.gov'
Cc: Sara Parker Pauley < Sara.Pauley@mdc.mo.gov > (Sara.Pauley@mdc.mo.gov); Devin
DeMario (<a href="mailto:ddemario@fishwildlife.org">ddemario@fishwildlife.org</a>); Gary GT. Taylor; Ed Sanchez (<a href="mailto:ESanchez@azgfd.gov">ESanchez@azgfd.gov</a>);
David Fernandez (dfernandez@azgfd.gov); 'bennadolski@utah.gov';
'greghansen@utah.gov'; David.Willms@wyo.gov; Zach Bodhane; Jonathan Mawdsley
(imawdsley@fishwildlife.org); 'MT-Martha Williams (martha.williams@mt.gov); 'Wiley, Nick
(Nick.Wiley@MyFWC.com)'; 'Chris Richardson'; Harvey, Chandra - DNR
Subject: Request for agenda items: AFWA's Threatened & Endangered Species Policy
Committee meeting
Importance: High
```

Good afternoon Members of the AFWA Threatened & Endangered Species Policy Committee:

The <u>AFWA Annual Meeting</u> is right around the corner in beautiful Sandy, UT, at Snowbird, and our committee meeting is scheduled for Wednesday, September 13 from 8am-12pm. **Please send me your agenda items no later than 1pm EDT on Tuesday, August 15** so I can finalize the agenda and have it posted to the website.

Here is a list of subjects that have come up over the last few months that you may want to consider. Please comment on them and add your preferred agenda items in your response:

- Presentation and discussion by WGA staff and/or Governor Mead's staff on ESA
 Recommendations from Year 2 of the Species Conservation and ESA Initiative
- Presentation by Meghan Brown on multi-agency coordination on a Western Weed Strategy to benefit Greater Sage-Grouse and sagebrush habitat conservation.
- Latest update and actions by states and partners on Monarch conservation by Ed Boggess
- Update and status of black-footed ferret recovery efforts



- States' roundtable: ESA challenges in your state and collaborative troubleshooting
- Presentation by Dr. Healy Hamilton, NatureServe AFWA staff recently hosted a webinar for state agency leadership and staff on the new species distribution modeling tools which have been developed by NatureServe (see attached). Because these tools result in considerable refinement in our understanding of species distributions, there is interest among state agencies in applying these tools for use in management of threatened or endangered species at the state level, and also in potentially applying these tools more broadly in relation to SGCN and other species of conservation/management interest. Dr. Hamilton from NatureServe will present this information which will be followed by a discussion about how this information could be used to inform both state and federal ESA processes to improve recovery of species.
- Federal Partner updates: FWS, NMFS, BLM, NPS, USGS, NRCS, others? *Please let me know if you will be attending, how much time you will need, your subjects for discussion, and if you have a handout to distribute in advance; thanks!*
- AFWA's Recommendations for Improving ESA Implementation:
 - o Presentation and discussion of AFWA technical guidance document; what it is and isn't; utility, next steps, and update on the legislative front
- Discussion by ALL: How can we improve private landowner incentives? What works, what doesn't, why, and what would make things work better for private landowners and species conservation/recovery?
- Working with the Administration, discussion by ALL: Identifying administrative ESA implementation challenges and opportunities that are common among state/federal/partners; where is the common ground for working together?

Thanks, again, for commenting on the above and for sending your preferred agenda ideas by 1pm EDT on 8/15!

Best, Jen

Jen Mock Schaeffer Government Affairs Director Association of Fish & Wildlife Agencies

We moved! Our new address is:

1100 First Street NE, Suite 825 - Washington, DC 20002

NEW Ph: 202-838-3468 **NEW** Fax: 202-350-9869 Cell: 202-870-8062

<NatureServe T&E SDM Initiative Profile.pdf>



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>Jeremy Page</u>
Subject: Re: Salt Lake Expo

Date: Sunday, March 18, 2018 12:16:00 PM

Hi Jeremy

I was great to meet you as well at the banquet. Of course there are many issues out there and often times they can be a bit confounding with rules and regs but I am trying to plow through the bureaucracy here to make things more public friendly. We are preparing to eliminate about 1,400 regs from national wildlife refuges and simplify another 700 or so. Of course there are always the ESA issues out there but we are making headway there as well. My cell phone is below and you can call or text if you ever have questions.

Have a nice weekend, Greg

On Fri, Mar 16, 2018 at 8:46 PM, Jeremy Page < @elevateig.com > wrote:

Hello Greg.

This is Jeremy page friend of Doyle Moss; I met you Saturday night at the banquet- you came over to Doyle's table and talked with me a bit.

1st of all I would like to thank you for your time that night! Second, I know I have a lot of opinions, I want you to know that if I came off a little arrogant, I apologize :) I get a little emotional when it comes to politics. I do want you to know that I appreciate your time and am thankful that we have you in as the Principal Deputy Director! Keep up the good work, and have a great weekend!

Jeremy Evan Page



--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>steve@stevethompsonllc.com</u>
Subject: Re: Spotted Owls Recovery

Date: Tuesday, September 19, 2017 5:36:39 PM

Thanks Steve

Looking forward to any thoughts and ideas you have to share.

See you soon,

Greg

On Tue, Sep 19, 2017 at 6:20 PM, <u>steve@stevethompsonllc.com</u> < <u>steve@stevethompsonllc.com</u>> wrote:

Greg,

Would love to help you in the Directors office any way I can. I also care deeply about FWS employees and relationships with states, and private landowners, and the working business world. One of the important issues in my life be to try and solve some of these important wildlife challenges together in our future.

We will definitely drop down to your office after the meeting with the Secretary and David.

Steve

916-600-5227

From: Greg Sheehan [mailto:greg j sheehan@fws.gov]

Sent: Monday, September 18, 2017 9:07 PM

To: steve@stevethompsonllc.com
Subject: Re: Spotted Owls Recovery

Hi Steve,



I am impressed with your energy and commitment to keep pressing through the while still working to bridge the gap between wildlife and responsible resource development. Oh goodness I wish I had you working with us in the director's office in DC right now.

I would be happy to meet on the 25th. Perhaps we could meet at 3 pm after your meeting concludes with the Secretary. That way you could first get their thoughts and feedback and we could go from there.

See you then and hang in there.

Thanks

Greg

Greg Sheehan

Principal Deputy Director

US Fish and Wildlife Service

202-208-4545

202-676-7675 cell

On Sep 18, 2017, at 9:09 PM, "<u>steve@stevethompsonllc.com</u>" < <u>steve@stevethompsonllc.com</u>> wrote:

Greg,

(b) (6

(b) (6)

Appointment with Angelo Tsakopoulos with Secretary and Deputy Monday 25th. Can you see Angelo that day, he really supports Paul, but has some ideas on how we can improve the relationships with the business world and wildlife.

Think the meeting is scheduled for 2 pm.



Do you have 30 minutes on Monday?

Hope you are still enjoying the leadership opportunity, hear some very good things about you.

Steve

916-600-5227

From: Greg Sheehan [mailto:greg j sheehan@fws.gov]

Sent: Tuesday, August 15, 2017 9:04 PM

To: steve@stevethompsonllc.com
Subject: Re: Spotted Owls Recovery

Thanks Steve



I absolutely believe that.

Greg

Greg Sheehan

Principal Deputy Director

US Fish and Wildlife Service

202-208-4545

202-676-7675 cell

On Aug 15, 2017, at 11:54 PM, "steve@stevethompsonllc.com" < steve@stevethompsonllc.com> wrote:

Call you soon, was coming back to NCTC next week to talk to the refuge class, but it has to be cancelled but but, but got some ideas that might help.



b) (6

Steve

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From: Greg Sheehan [mailto:greg j sheehan@fws.gov]

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To: steve@stevethompsonllc.com
Subject: Re: Spotted Owls Recovery

Thank you Steve for the updates on both fronts. As for ESA it is collaborative professionals like yourself that promote conservation of wildlife, and the proper development of our countries natural resources. Thank you for demonstrating that this can work in the real world.



Let's stay in touch and thank you for the update. Please call at any time.

Thanks again,

Greg

202-676-7675

Greg Sheehan

Principal Deputy Director

US Fish and Wildlife Service



202-208-4545

202-676-7675 cell

On Aug 15, 2017, at 7:36 PM, "<u>steve@stevethompsonllc.com</u>" < <u>steve@stevethompsonllc.com</u>> wrote:

Greg,

Sent this note to Paul and Robyn to update them on both my current and some examples of how we can work with ESA species over the long haul to conserve species and have successful business operations. Hope you are still really enjoying one of the toughest challenges in the building...please let me know if I can help conservation in any way with your future challenges.

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steve@stevethompsonllc.com

916-600-5227









2) ESA recovery efforts

As you know I've was the Regional Director in Region 8, for 8 years, and now have been working for many private landowners to see if we couldn't continue to improve wildlife conservation. Started as a wildlife biologist in Burns Oregon working for both BLM and Malheur NWR, some 41 years ago.

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the time and money it takes to get important conservation done on the ground, reward landowners that do positive conservation work. The challenge ahead is how to reward private landowners to participate in conservation and not punish them for having species.

The attached note is from Dan Tomascheski, an amazing VP at SPI. He has a lifetime of experience on the timber lands helping wildlife.

__

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



 From:
 Greg Sheehan

 To:
 steve@stevethompsonlic.com

 Subject:
 Re: Spotted Owls Recovery

 Date:
 Monday, September 18, 2017 11:06:45 PM

Hi Steve.

I am impressed with your energy and commitment to keep pressing through the (b) (6) while still working to bridge the gap between wildlife and responsible resource development. Oh goodness I wish I had you working with us in the directors office in DC right now

I would be happy to meet on the 25th Perhaps we could meet at 3 pm after your meeting concludes with the Secretary That way you could first get their thoughts and feedback and we could go from there

See you then and hang in there Thanks Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 202-676-7675 cell

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Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 202-676-7675 cell

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Thanks again, Greg 202-676-7675

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 202-676-7675 cell



On Aug 15, 2017, at 7:36 PM, "steve@stevethompsonlic.com" <steve@stevethompsonlic.com> wrote:

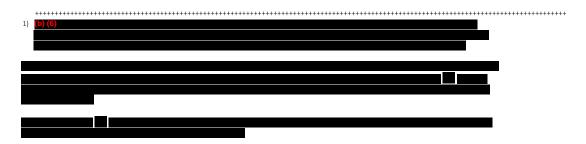
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From: <u>Greg Sheehan</u>

To: <u>steve@stevethompsonllc.com</u>
Subject: Re: Spotted Owls Recovery

Date: Monday, September 25, 2017 9:53:55 AM

Steve. Sounds great. See you at 12:15.

Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Sep 25, 2017, at 9:54 AM, "<u>steve@stevethompsonllc.com</u>" < <u>steve@stevethompsonllc.com</u>> wrote:

Greg,

, in D.C. At Willard. Would like to take our secretary meeting guest to doi a little early to eat in the cafeteria at 12:15, Kyriakos Tsakopoulos and Ed Hagerty that is before our 2 with Secretary and 3 with you. Ed is apparently an old friend of the Secretary.

Just wanted to check to make sure that was ok.

(b) (6)

Steve Thompson 916-600-5227

On Sep 19, 2017, at 6:29 PM, Sheehan, Greg < greg j sheehan@fws.gov > wrote:

Thanks Steve

Looking forward to any thoughts and ideas you have to share.

See you soon,

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US Fish and Wildlife Service

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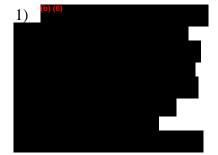
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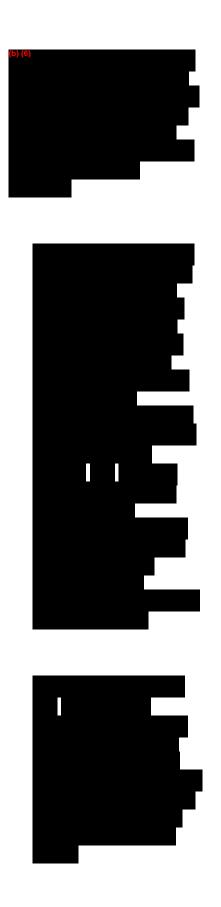
steve@stevethompsonllc.com

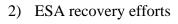
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Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



 From:
 Gregory Sheehan

 To:
 Samantha McDonald

 Cc:
 vincent devito@ios.doi.gov

Subject: Re: THANK YOU!

Date: Friday, August 18, 2017 6:12:18 AM

Thank you Sam. It is imperative that we fully consider all information and science before making such a wide ranging determination.

Have a nice weekend.

Thanks Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Aug 17, 2017, at 2:59 PM, Samantha McDonald < SMcDonald@ipaa.org> wrote:

Vince and Greg,

On behalf of my members, I wanted to thank you for the 6-month delay on the Texas Hornshell. They are most grateful for the extra time to allow their significant conservation efforts to come to fruition. It was a good call.

Best,

Sam

Samantha McDonald

Director of Government Relations Independent Petroleum Association of America (202)857-4722 / <u>Visit IPAA</u>/ <u>Visit ESA Watch</u> <image001.jpg>

<THS ext NR final.pdf>



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: Geoff Pampush

Cc: Thomas Irwin; Rick Watson; L. Michael Bogert

Subject: Re: Thank You

Date: Friday, January 26, 2018 11:21:31 AM

Attachments: image.png

Thank you Geoff for coming in to meet this week. It is always great to hear updates from our good partners at the Peregrine fund. We will of course work to help with future efforts on condor, falcon and other raptor work. Please send me a reminder of your upcoming work in Texas on the Aplomada as those dates get closer and I will see if I can work that in to some travel in the area.

Thanks again, Greg

On Fri, Jan 26, 2018 at 8:27 AM, Geoff Pampush < gpampush@peregrinefund.org > wrote: | Greg,

Thank you so very much for taking the time to meet with us this week. The Peregrine Fund has worked closely with the Fish and Wildlife Service as a partner for nearly five decades. We have worked together conducting research, sharing various findings, and generally working together to conserve our natural heritage. In particular, we have worked tirelessly to recover Endangered Species. While we are proud of the fact that our private dollars raised fund the majority of our work, we very much count on the grants provided through your regional offices in Sacramento and Albuquerque for our California Condor and Aplomado Falcon recovery work. We realize that the White House is moving to reduce discretionary spending overall. But you must also appreciate that The Peregrine Fund is working with San Diego Zoo and other private partners to boost funding for the Recovery Program in the FWS budget. Our focus there is on the Congressional Appropriations Committees of course. You are our partner and a robust budget is essential for conserving our fish and wildlife heritage.

While you have much exposure to the California Condor restoration effort, I don't believe you've had the chance to see our Aplomado falcon restoration program up close. We would like to invite you into the field to band juvenile Aplomado falcons at or near Laguna Atascosa NWR this late May or June. Specific timing is dependent upon the birds of course but if you indicated an interest in trying to make this work, we would work closely with Thomas or another designee to try to make this work for your schedule.

Thank you again for your time and for your work to conserve our natural heritage.

Geoff

Geoff Pampush

VP for Global Partnerships and External Affairs 406-388-7717
120 Gazelle Ln. • Belgrade, MT 59714 • USA

Facebook Twitter







--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: <u>Gregory Sheehan</u>
To: <u>Steve Holmer</u>

Subject: Re: Thanks for Meeting on Sage Grouse and Hawaiian Birds

Date: Sunday, October 22, 2017 5:18:11 PM

Thank you Steve for the letter and for making time to meet. Always good to talk with you. We will be working closely to ensure that both Hawaiian birds and the Greater Sage Grouse are conserved appropriately.

Thanks again for sharing your thoughts and concerns. Have a great week.

Thanks Greg

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 202-208-4545 office 202-676-7675 cell

On Oct 20, 2017, at 11:21 AM, Steve Holmer <<u>sholmer@abcbirds.org</u>> wrote:

<image007.jpg> Oct. 20, 2017

Gregory Sheehan Acting Director U.S. Fish and Wildlife Service Washington D.C. 20010

Dear Greg,

Thanks very much for meeting with me last week to discuss bird conservation issues. We greatly value our partnership with the Service and are always available to discuss any issues of concern. I can be contacted at 202 888-7490 or sholmer@abcbirds.org.

We urge full funding for State of the Birds endangered species recovery activities in Hawaii. The FY 2018 budget proposal removes \$2.495 million. Attached is a recent letter sent to Hawaii's congressional delegation urging that this funding be increased to \$5 million annually to reverse to the decline of Hawaiian birds.

We also remain concerned about the conservation status of the Greater Sage-Grouse. We supported the not-warranted finding for the grouse in 2015 based on the complete package of federal management plans and the sage grouse initiative, plus the promised mineral withdrawal, implementation of IMs, and mitigation. We are concerned that proposed changes to this conservation framework given ongoing



habitat loss and declining grouse populations in parts of Utah and Oregon and believe that this course will undermine conservation progress and lead to endangerment of the species.

We look forward to working with the Service to advance bird conservation. Please let me know how I can be of assistance.

Sincerely, <image008.jpg>

Steve Holmer
Vice President of Policy
American Bird Conservancy &
Director, Bird Conservation Alliance
202-888-7490
sholmer@abcbirds.org

www.abcbirds.org, https://abcbirds.org/get-involved/bird-conservation-alliance/, ABC on Facebook, ABC Videos

<image009.jpg>

hawaii funding sign on letter.pdf

<Sage Grouse Review.pdf>



From: Sheehan, Gregory
To: Samantha McDonald
Subject: Re: TX Hornshell

Date: Monday, July 24, 2017 12:04:04 AM

Hi Sam

I have been running a bit and I apologize for not getting back to you sooner. I am learning more about this issue internally. I have not seen any listing documents so I don't know that anything is formally being finalized yet. Will get back to you.

Thanks Greg

On Tue, Jul 11, 2017 at 4:10 PM, Samantha McDonald < SMcDonald@ipaa.org> wrote:

Dear Mr. Sheehan,

Thank you so much for meeting with Dan and me on June 30th. We appreciated you hearing our concerns and asking so many great questions about the oil and gas industry.

Following up on our meeting, you requested letters outlining issues we were facing from the Service in the field. Attached is our first letter on the Texas Hornshell. We are more than happy to answer any questions you may have.

We appreciate your willingness to help and look forward to continued correspondence.

Best,

Sam

Samantha McDonald

Director of Government Relations

Independent Petroleum Association of America

(202)857-4722 / <u>Visit IPAA</u> / <u>Visit ESA Watch</u>





--

Greg Sheehan, Acting Director Principle Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>Samantha McDonald</u>; <u>Gary Frazer</u>

Subject: Re: TX Hornshell

Date: Tuesday, July 25, 2017 12:19:04 PM

Hi Sam

I am scheduled to go over this with Gary tomorrow so that we can properly respond.

Thanks Greg

On Mon, Jul 24, 2017 at 3:31 PM, Samantha McDonald < SMcDonald@ipaa.org > wrote:

Thank you! I noticed that the Texas Hornshell was slated for a listing determination in the <u>Unified Agenda</u> next month. The clock is ticking on this one and my companies will need to sign their intent letters to participate in the CCAA and CCA by August 7. Again, thank you for your interest and I appreciate your willingness to look into this for us. What is being stated in the field as fact is misconstrued and could lead to a listing decision that could adversely affect future operations in the region.

From: Sheehan, Gregory [mailto:greg_j_sheehan@fws.gov]

Sent: Monday, July 24, 2017 1:04 AM

To: Samantha McDonald < SMcDonald@ipaa.org>

Subject: Re: TX Hornshell

Hi Sam

I have been running a bit and I apologize for not getting back to you sooner. I am learning more about this issue internally. I have not seen any listing documents so I don't know that anything is formally being finalized yet. Will get back to you.

Thanks

Greg

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Following up on our meeting, you requested letters outlining issues we were facing from the Service in the field. Attached is our first letter on the Texas Hornshell. We are more than happy to answer any questions you may have.

We appreciate your willingness to help and look forward to continued correspondence.

Best,

Sam

Samantha McDonald

Director of Government Relations

Independent Petroleum Association of America

(202)857-4722 / Visit IPAA / Visit ESA Watch



--

Greg Sheehan, Acting Director

Principle Deputy Director

US Fish and Wildlife Service

1849 C Street NW, Room 3358

Washington, DC 20240



--

Greg Sheehan, Acting Director Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Sheehan, Gregory
To: Parker Moore

Subject: Re: Updated Invitation: Meeting (Casey and Parker Moore) on ESA listing of the rusty-patched bumble bee

(Parker Moore)

Date: Wednesday, July 12, 2017 7:17:52 AM

Thank you Parker

Will see you soon,

Greg

On Tue, Jul 11, 2017 at 4:59 PM, Parker Moore < PMoore@bdlaw.com > wrote:

Hi everyone,

On behalf of the members of the RPBB Coalition, we very much look forward to meeting with you tomorrow morning. If helpful, and subject to your preferences, attached is a proposed agenda of the high level topics we were hoping to cover during our time.

Sincerely,

Parker

-----Original Appointment-----

From: casey-hammond@ios.doi.gov]

Sent: Thursday, July 06, 2017 3:01 PM

To: casey-hammond@ios.doi.gov; green; green; Parker Moore; green; parker Moore; pa

virginia johnson@ios.doi.gov

Subject: Updated Invitation: Meeting (Casey and Parker Moore) on ESA listing of the ru... @ Wed Jul

12, 2017 1:15pm - 2:30pm (Parker Moore)

When: Wednesday, July 12, 2017 9:15 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where:

This event has been changed.

more details »

Meeting (Casey and Parker Moore) on ESA listing of the rusty-patched bumble bee - Rm 3038

----- Forwarded message -----

From: Parker Moore

Date: Tue, Jun 13, 2017 at 4:48 PM

Subject: RE: Possible meeting dates with Casey



To: "Sellars, Roslyn" Cc: Thomas Irwin

Hi Roslyn and Thomas,

I just tried to reach Casey with the date that works best on our end, but didn't catch him. I left him a message saying that I would follow up with you and request that you block out that time on his calendar (hopefully it is still open, but please let me know if not). Then we can confirm with Casey when he frees up that that time in fact is convenient for him.

If it's still available, we would like to schedule 1.5 - 2 hours with Casey on Wednesday, July 12 during the 9:00am - 11:00am slot.

When you have a moment, please confirm that that preliminary works (pending Casey confirming that). If it doesn't work anymore, our preferred backup date would be Tuesday, July 11 before noon.

Thanks again,

Parker

Parker Moore Principal

BEVERIDGE & DIAMOND, P.C.

T +1.202.789.6028 F +1.202.789.6190 PMoore@bdlaw.com

Changed: Wed Jul 12, 2017 1:15pm – 2:30pm Coordinated Universal Time

When Video call

https://plus.google.com/hangouts/ /doi.gov/casey-hammond-p

Calendar

Parker Moore

Who

•

casey hammond@ios.doi.gov

- organizer

thomas irwin@fws.gov

creator

•

gregory sheehan@fws.gov

Parker Moore

virginia johnson@ios.doi.gov

Going? Yes - Maybe - No more options »

Invitation from Google Calendar

You are receiving this email at the account pmoore@bdlaw.com because you are subscribed for updated invitations on calendar Parker Moore.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invita ion could allow any recipient to modify your RSVP response. <u>Learn More</u>

<< File: invite.ics >>

Greg Sheehan, Acting Director Principle Deputy Director US Fish and Wildlife Service

AMERICAN OVERSIGHT 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



 From:
 Sheehan Gregory

 To:
 Steve Holmer

Subject: Re: Utah's endangered animals & ABC Appropriations Recommendations

Date: Saturday, March 10, 2018 3:34:25 PM

Attachments: image001.png

Thanks Steve for sharing.

Greg

On Tue, Mar 6, 2018 at 11:30 AM, Steve Holmer < sholmer@abcbirds.org> wrote:

Dear Greg,

You've probably been sent this five times today but I thought it was a nice article.

American Bird Conservancy is advocating Congress in support of FWS Migratory Birds and ESA Recovery, particularly Hawaii.

Attached is our FY 2019 appropriations request letter.

Best.

Click here to see the photos: https://www.ksl.com/?sid=46270887&nid=1426

What do you know about Utah's endangered animals?

By Robert J DeBry | Posted Mar 5th, 2018 @ 8:00am

Utah is home to 10 species of endangered animals, and eight more are threatened, according to the <u>U.S. Fish and Wildlife Service</u>. If you're like most Utah residents, you probably wouldn't recognize most of them if one showed up in your yard. There isn't much chance of that, however, because their extreme rarity is what got them on the list.

Although society argues about the value of some of these scarce animals, there is unquestionably a sadness and emptiness when a species disappears from existence. The Fish and Wildlife Service notes that while extinctions are part of the natural process, "scientific evidence strongly indicates that the current rate of extinction is much higher than the natural or background rate of the past. The main force driving this higher rate of loss is habitat loss."

In the Endangered Species Act of 1973, Congress declared these plants and animals to have "esthetic, ecological, educational, historical, recreational and scientific value to the nation and its people."

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While residents of Utah might sometimes disagree over the methods of protecting endangered wildlife, no one wants to see them disappear. Here are the current Utah animals the federal government considers endangered or threatened.

Endangered

Kanab ambersnail: This small (less than 1 inch) mollusk is found only in some ponds near Kanab and in a spring near the Colorado River in the Grand Canyon, according to the <u>National Park Service</u>.

California condor: Once extinct in the wild, these enormous birds were reintroduced in 1992 and were subsequently established in northern Arizona. Today a population of more than 70 resides in southern Utah and northern Arizona, according to the Utah Division of Wildlife Resources.



Southwestern willow flycatcher: This <u>small bird</u> lives along waterways in southern Utah, particularly near the Virgin River. It so closely resembles other flycatcher varieties that even among experts the most accurate method of identification is its unique call.

June sucker: Today, federal, state and local agencies are involved in helping the recovery of these rare fish that are native only to Utah Lake. The name comes from their trait of spawning in June in the Provo River.

"Small populations of June sucker have been established in a few other locations, such as Red Butte Reservoir above Salt Lake City, as temporary refuge to guard against a catastrophic loss in Utah Lake," according to information for the Utah Lake," according to information for the Utah Lake," according to information for the Utah Lake," according to information for the Utah Lake," according to information for the Utah Lake," according to information for the Utah Lake," according to information for the Utah Lake," according to information for the Utah Lake," according to information for the Utah Lake," according to information for the Utah Lake, according to information for the Utah Lake, according to information for the Utah Lake, according to information for the Utah Lake, according to information for the <a href="Utah Reclamation Mitigation Mitigati

Bonytail chub, humpback chub, Colorado pikeminnow and **razorback sucker** are all ancient fish native to the Colorado River and tributaries like the Green River. Dams and changes in natural river flow hindered successful spawning. Today these fish are raised in hatcheries, and efforts are underway to bolster the natural populations.

<u>Virgin River chub</u> and <u>woundfin</u> are both minnows found in the Virgin River in Utah. Historically, both had larger ranges, and efforts are being made to expand populations to other areas.

Threatened

Western yellow-billed cuckoo is a migratory visitor to Utah and other parts of the West, where it breeds along mountain river systems.

<u>Canada lynx:</u> Although widely distributed across North America, this cat is rarely seen in Utah. U.S. Forest Service researchers found lynx hairs during a 2002 survey in the Manti-LaSal National Forest.

Mexican spotted owl: This elusive hunter can be found in southern Utah and in Zion National Park, according to the National Park Service.

Utah prairie dog: While prairie dogs remain a common sight in much of the Western U.S., this specific variety lives only in southwestern and central Utah. According to the <u>Utah Prairie Dog Oversight Group at Southern Utah University</u>, today it occupies just 10 percent of its historical range.

Gunnison sage-grouse: Utah has two species of sage-grouse, and the smaller <u>Gunnison sage-grouse</u> survives only in southwestern Colorado and a small adjacent area in Utah.

Desert tortoise: With a range that extends into Utah's Dixie, this slow-moving reptile spends up to 95 percent of its life underground to avoid the scorching desert sun, according to the <u>Fish and Wildlife Service</u>. Its lifespan is roughly the same as that of humans, surviving up to 80 years and reaching sexual maturity between 15 and 20.

Greenback cutthroat trout: A small population of these rare fish was discovered in the LaSal Mountains near Moab in 2009. The state fish of Colorado, greenbacks were thought to be extinct until researchers discovered some survived in remote mountain streams.

Lahontan cutthroat trout: This is another fish believed to be extinct until a remnant group was uncovered in the Pilot Peak Mountain Range in Box Elder County in the late 1970s. Thanks to that discovery, hundreds of thousands of these fish are raised and released each year in their historic range, reports the Fish and Wildlife Service.

Utahns are fortunate to live in a state with diverse environments, climates and wildlife. We hope that with the proper protection and care, these animals will still be around for future generations to enjoy.

Steve Holmer

Vice President of Policy



American Bird Conservancy &

Director, Bird Conservation Alliance

202-888-7490

sholmer@abcbirds.org

www.abcbirds.org, https://abcbirds.org/get-involved/bird-conservation-alliance/, ABC on Facebook, ABC Videos



Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 202-208-4545



From: gregory_sheehan@fws.gov on behalf of Sheehan, Greg

To: steve kobrine

Subject: Re: Western Derby Eland Sustainable Conservation project

Date: Sunday, March 4, 2018 8:42:29 PM

Hi Steve

I am researching with our international office to see what the requirements may be to import these Elands if hunted. Will get back to you very soon.

Thanks Greg

Hi Greg,

Thanks for the invite to your office, my son Connor would love to see the DOI building someday!

On a separate conservation note, below is an email from Dr. Willem Burger, the wildlife vet involved in the Western Giant Eland project in Senegal. These animals are in a high fenced breeding project and the population has grown large enough that they have old bulls which are dying of old age. Unfortunately they are listed as endangered on the ESA but are not listed at all on CITES.

As you will read in the letter, they have identified two very old bulls for harvesting. Is it all possible to get an import permit like can be issued for bontebok? It would be a terrible pity if the ESA prevents the reserve from generating revenue on the old bulls, thereby preventing conservation funding. We even have photos of the specific bulls which will be taken which I can submit! Time is of the essence as these bulls are very old and need to be harvested before they die.

Please let me know if it is possible and what we might need in supporting documents so we might be able to score a win for conservation and Western Giant eland. I can easily get the CV of the wildlife vet, documentation about the breeding project and the reserve, and the hunting permits from the Wildlife Department of Senegal authorizing the hunting of these two bulls.

Thanks and all the best,

Steve

Begin forwarded message:

From: Dr Willem Burger < willem@willemburger.co.za>

Date: March 1, 2018 at 8:04:09 AM EST

To: 'steve kobrine' hotmail.com

Subject: FW: Western Derby Eland Sustainable Conservation project

Steve

Is this in accordance?

To Whom It May Concern



Western Derby Sustainable Conservation Project: Senegal

This letter serves to confirm that the Western Derby Conservation Project in Senegal is a joint Private Public Partnership.

The aim of this conservation project is to breed and replicate the Western Derby Eland in a scientific way to enhance the limited numbers of Western Derby in a well-managed and protected environment.

During a breeding project duration, an excess of male animals are produced at the average sex ratio of 50 male : 50 female.

The normal behaviour of male hierarchy in a breeding herd is for old bulls to be kicked out of the breeding nucleus by younger mature bulls which become dominant.

The old bulls then become dormant as outsiders until they are killed by dominant bulls or die of old age at approximately 8-10 years .

Up to date we have lost 5 bulls due to old age complications.

These bulls are "wasted in terms of the potential conservation income they could have generated if they were utilized in a sustainable way.

This potential income could have contributed to the future of the current conservationand breeding programme.

Currently we have two bulls who have reached the peak of their lives and are on the downhill slope of their existence.

We do have the opportunity to utilize these two bulls in a sustainable way in the form of trophies before they also die of old age.

The potential contribution which they can generate, can be implemented back into the breeding project expenses, which is crucial for the survival of the species.

Your kind consideration to enhance the sustainability and success of the Western Derby Conservation Project is appreciated.





Director: Dr. Willem P Burger tel: +27 (0) 82 570 5710 fax: +27 (0) 44 272 8591 willem@willemburger.co.za www.willemburger.co.za



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Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Guertin, Stephen
To: Kyle Miller
Cc: Gaspar Perricone

Subject: Re: Western Landowners Alliance Guide to the ESA

Date: Thursday, August 3, 2017 7:58:44 AM

Kyle

Thank you for the copy of the Western Landowners Alliance group's report on landowners working with the Endangered Species Act. I appreciate the perspective from our landowner partners and their recommendations. This type of feedback is invaluable. I have provided copies to our acting Service Director, Greg Sheehan, and to other leaders in the Service.

Steve

On Wed, Jul 26, 2017 at 3:13 PM, Kyle Miller < kyle@freestone-strategies.com > wrote:

Hi Steve - Hope you are doing well! As work ramps up around the ESA, wanted to send along a new report from the Western Landowners Alliance - The guide, "Speaking from Experience: Landowners & the Endangered Species Act," offers landowner perspectives and on-the-ground accounts of their experiences with the Act.

The purpose of this guide is to help inform dialog and WLA and its members would be happy to be a resource, as the Department engages in these policy discussions.

Please let us know if you have any questions, or if you'd like me to share this with any others.

Thank you!



From: Sheehan, Gregory
To: Amos Eno

Subject: Re: WGA Species Conservation and ESA Initiative Year Two Recommendations

Date: Sunday, July 2, 2017 9:12:00 PM

Thanks Amos for the good meeting and followup. Will be talking again soon.

Greg

On Wed, Jun 28, 2017 at 4:25 PM, Amos Eno <aeno@resourcesfirstfoundation.org> wrote: David, Greg:

Attached the ESA policy recommendations from WGA. On first reading I am disappointed because of the small emphasis given to states and to expansion of Section 6 (and there only implicitly).

With the benefit of an hours' reflection, I think this creates a wonderful opportunity for Sec Zinke and DOI. David, I spoke to Greg about ESA last Friday and he said you have multiple ESA reform proposals bubbling up. His recommendation to Zinke would be "to pull everybody together, observe 80% overlap of interests, and move the ball forward with energetic leadership." I agree with this strategy, and the lack of explicit emphasis by WGA for Sec 6, I think provides DOI with the opportunity to define the nucleus of interests (expand the role of states, empower their involvement in both pre-listing and listing, and with enabling on the ground recovery. This should be looked at through the prism of the business world for rolling out a new product. You are modernizing ESA for the 21st century. The new ESA product is to be designed to match the **customer base** (States and private land owners), and **markets**, again primarily States and private land owners). The financial model needs to be augmented and here you marry greater onshore and OCS energy leasing to produce income to support expansion of Sec 6 and to further enhance your your marketing and scalability to join the WGA ESA

You can also deflect pressure from the environmental community for full funding of LWCF, to higher priority needs of conserving endangered species and partnering more effectively with states, based on a proven financial model of utilizing OCS revenues for conservation purpose.

recommendation with Alliance for America's Wildlife to provide additional financial resources to states for on the ground implementation in partnership[with industries across rural America, but particularly the energy and

----- Forwarded message -----

From: **Zach Bodhane** <<u>zbodhane@westgov.org</u>>

Date: Wed, Jun 28, 2017 at 12:32 PM

Subject: WGA Species Conservation and ESA Initiative Year Two Recommendations

To: Zach Bodhane <<u>zbodhane@westgov.org</u>>

Dear Interested Party:

energy grid industries.

Attached please find the final Year-Two WGA Species Conservation and ESA Initiative Recommendations as adopted by Governors this morning at the WGA Annual Meeting. Thank you all for your sincere engagement and countless contributions to this effort over the past two years. The formulation of these recommendations would not have been possible without your commitments to engage in meaningful discussion on this difficult issue.



An accompanying report from the first year of the Initiative along with an appendix capturing the variety of stakeholder input will be available shortly through the <u>WGA website</u>. The next step for the Initiative will be to develop a work plan with specific implementation focused action items to be evaluated through an ongoing stakeholder focused process.

Thank you all again for all of your hard work – I look forward to continuing to work with you all in the years to come. Please feel free to reach out with any questions or comments.

Sincerely,

Zach

Zach Bodhane, Policy Advisor

Western Governors' Association

1600 Broadway, Suite 1700, Denver, CO 80202 | p: <u>303.623.9378</u> | <u>westgov.org</u>

--

Amos S. Eno
Executive Director
Resources First Foundation
74 Lunt Road
Suite 300
Falmouth, ME 04105
207-536-0831
207-232-0134 (c)



Look out for our new name coming soon! RFF will become the Land Conservation Assistance Network



or LandCAN for short

--

Greg Sheehan, Acting Director Principle Deputy Director US Fish and Wildlife Service 202-208-4545



From: gregory sheehan@fws.gov on behalf of Sheehan, Greg

To: <u>steve@stevethompsonllc.com</u>

Subject: Re:

Date: Sunday, July 16, 2017 10:14:31 PM

Steve

Thank you for your emails and introduction. Clearly you are a man with a great background in the service and we could sure use your experience and wisdom here now as we re-evaluate moving forward.

I would like to chat with you on the phone regarding your thoughts of what could work better or differently in the service if you have some time. Maybe one evening very soon.

Let me know.

Thanks Greg

On Sat, Jul 15, 2017 at 12:55 AM, <u>steve@stevethompsonllc.com</u> < <u>steve@stevethompsonllc.com</u>> wrote:

Greg,

When I first arrived as Regional 8 Regional Director in 2000 we started to make early decisions on proposed projects that let business proposals move forward, if we thought the impacts to endangered wildlife or habitat was very small or not at all. The last not likely to take letter I was able to get for clients was in 2010. This no take letter is an example of prioritizing time and money from both FWS and private business on the important conservation landscapes. Now folks have run into challenges all the way within the process that won't tell the developer if they will need a permit or the proposed action is no or very minimal impact to habitat and the species. The applicant ends up spending tremendous amounts of money on marginal areas to be safe that they don't need an ESA permit.

Once I land will see if I have a ESA policy review that Dale Hall took the lead on with the ARD's from ES. They provided the best overall summary and new direction for an effective set of rules and regulations on how to best use ESA. Dale was an incredible Director with very close relationships with State Directors and all of the Regional Directors. Think we got more conservation done under his administration than previous Director.

Really enjoyed meeting you and look forward to your bright future with an amazing organization.



Steve

steve@stevethompsonllc.com

916-600-5227

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Greg Sheehan, Acting Director Principle Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675



From: Greg Sheehan
To: Judy Graham

Subject: Re:

Date: Saturday, September 30, 2017 10:04:27 PM

Thank you Ms Graham for your letter. We will keep our FWS folks on point for their part of the evaluations. Recently moving from Utah to take this job I understand western rural issues.

Have a nice weekend.

Greg

Greg Sheehan Principle Deputy Director U.S. Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, D.C. 20250 202-208-4545 Office 202-676-7675 Cell

On Sep 28, 2017, at 2:09 PM, Judy Graham < grahami@libbyschools.org> wrote:

I am writing in regards to the Montanore and Rock Creek mining projects currently under development in Lincoln and Sanders counties. Both projects are vital to the economic and social vitality of our communities in Northwest Montana.

I ask that you, as our voice on the national level, do everything in your power to help these projects move forward. Here is what we ask of you.

- 1. Support Forest Service staffing needs to prioritize and complete Rock Creek permitting in months, not years.
- 2. Support Forest Service staffing needs to revise Montanore Record of Decision to allow an Evaluation Phase and do so in months, not years.
- 3. Support US Fish and Wildlife to prioritize and complete an updated Biological opinion for Rock Creek and do so in months, not years.
- 4. Support US Fish and Wildlife to prioritize and complete an updated Biological opinion for Rock Creek and do so in months, not years.

Quite frankly, we as a community have waited long enough for these projects to move through the bureaucratic red tape and lawsuits brought forth by obstructive environmental groups. At no point in time have the citizens of Lincoln or Sanders County wanted to push these projects through in an irresponsible manner. On the contrary, our natural resources and the surrounding beauty of our environment are of upmost importance to the fine folks who live, work, and play here. We would not, and will not, support a project that jeopardizes the ecosystem that makes our area such a wonderful place to call home. With that being said, due diligence has been done by countless private and governmental agencies and it is time to move



these projects forward in a responsible and timely manner. Agencies like the Forest Service and FWP need the resources to do their jobs as it pertains to these issues.

It is no secret that our area is in desperate need of the positive economic impact that these projects would bring. As an educator, I see the effects that the current state of our local economy has on our families and our students. Due to the lack of economic opportunity, our communities continue to lose great families that are pillars to our community and vital the health of our social fabric. We need to put our parents back to work in sustainable and high paying jobs in order to help restore the blue collar values that once defined our region. As you know, a strong family structure is the number one influence on student success.

We are proud of the work that we do in our local schools and we will continue to work for our students regardless of what happens with these projects. But we urgently ask for your help and your voice in advocating for our community, for our families, and ultimately for our students.

Again, it is time for action. Please prioritize these projects and help us strengthen the social and economic well-being of our communities. Put the parents of our students back to work.

Thank You.

Judy Graham

Libby preschool teacher



From: michael gale@fws.gov on behalf of Sheehan, Greg

To: <u>Larry Keane</u>
Cc: <u>ssanetti@nssf.org</u>

Subject: Thank you - Sportsman"s Access Ramp Up Summit

Date: Monday, August 28, 2017 10:15:01 AM

Attachments: 066300 Keane.pdf

DOI August2017 Access Summit Summary.docx

Hello Larry,

Thank you again for attending the Sportsman's Access Ramp Up Summit a few weeks ago in Washington, D.C. A hard copy of this thank you letter and meeting summary is in the mail. I look forward to working with you on this important issue.

Also as you know, we're finalizing a proclamation from the Secretary for National Shooting Sports Month and are working with the Department on how to get that out widely.

Greg

--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675





United States Department of the Interior

PISH A WILDLIFE SERVICE

FISH AND WILDLIFE SERVICE Washington, D.C. 20240

'AUG 25 2017

In Reply Refer To: FWS/D/066300

Mr. Larry Keane
National Shooting Sports Foundation
Senior Vice President, Government & Public Affairs
Flintlock Ridge Office Center
11 Mile Hill Road
Newtown, CT 06470-2359

Dear Mr. Keane:

I want to thank you for taking time out of your busy schedule to participate in the Sportsman's Access Ramp Up Summit in Washington, D.C. on August 2, 2017. Your perspective and expertise truly contributed to the valuable dialogue at the summit, and we appreciate your enthusiasm for efforts to expand hunting, fishing, and boating access and participation nationwide.

As Secretary Zinke, Deputy Secretary Bernhardt, and I stressed at the Summit, this administration is strongly committed to addressing and increasing access to hunting, angling, and boating on federal lands, as well as advancing the heritage of Teddy Roosevelt and strengthening the North American model of conservation for future generations. The small-group discussions at the Summit and many of the ideas that came out of those dialogues will help us advance these urgent priorities in the months ahead.

Our plan now is to review the enclosed summary document and determine which of these recommendations fit best with our existing resources, authorities and priorities. Once that task is complete, we will be reaching out to your organization, other participating organizations at the Summit, and representatives of additional partners who might be willing and able to work together with us to implement these priority actions over both the short and long term.

Once again, I deeply appreciate your willingness to commit your time and expertise to this vital effort, and look forward to collaborating with you and your members to connect more Americans with their hunting and fishing heritage.

Sincerely,

Principal Deputy Director

Attachment



August 2, 2017 Washington, D.C.



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- Access is not only physical access, but access to information, relationships, mentors, programs, and education.
- Maintenance and construction projects across bureaus need to focus on access as a key priority.
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- Shooting sports are increasing rapidly and are a key means to engage new and different constituents.
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- Identify smaller projects for ADA compliance and accessibility and complete backlog maintenance needed on many lands: focus on recreation-oriented, access-creating projects
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WATER BODIES

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August 2, 2017

Washington, D.C.



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PRIVATE LANDS

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From: michael gale@fws.gov on behalf of Sheehan, Greg

To: <u>Jeff.trandahl@nfwf.org</u>

Subject: Thank you - Sportsman"s Access Ramp Up Summit

Date: Monday, August 28, 2017 10:00:26 AM

Attachments: 066300 Trandahl.pdf

DOI August2017 Access Summit Summary.docx

Hello Jeff,

Thank you again for attending the Sportsman's Access Ramp Up Summit a few weeks ago in Washington, D.C. A hard copy of this thank you letter and meeting summary is in the mail. I look forward to working with you on this important issue.

Also thank you for the incredible support of NFWF for the lunch and reception. Our partnership with you is truly appreciated.

Greg

--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675





United States Department of the Interior

PISH A WILDLIFE SERVICE

FISH AND WILDLIFE SERVICE Washington, D.C. 20240
AUG 2 5 2017

In Reply Refer To: FWS/D/066300

Mr. Jeff Trandahl Executive Director National Fish and Wildlife Foundation 1133 Fifteenth St, N.W. Suite 100 Washington, D.C. 2005

Dear Mr. Trandahl:

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August 2, 2017

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From: michael gale@fws.gov on behalf of Sheehan, Greg

To: lebaier@baierproperties.com

Subject: Thank you - Sportsman"s Access Ramp Up Summit

Date: Monday, August 28, 2017 9:55:15 AM

Attachments: 066300 Baier.pdf

DOI August2017 Access Summit Summary.docx

Mr. Baier,

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United States Department of the Interior

FISH & WILDLIFE SERVICE

FISH AND WILDLIFE SERVICE Washington, D.C. 20240

In Reply Refer To: AUG 2 5 2017

Mr. Lowell Baier President Emeritus Boone & Crocket c/o Bauer Properties Inc. 4909 Cordell Ave Bethesda, MD 20814

Dear Mr. Baier:

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- Understand and address the economics of what may be driving users to private hunt clubs and other off-public land activities (higher cost but better facilities, less competition, etc.)
- Address and minimize the legal and liability risks pose to private land owners regarding access and use through safe harbors and other tools
- Better connect and integrate (better than coordinate) numerous partners
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- Improve access of information to landowners (and incentives) by better using NRCS, FSA, and FWS programs. Use private lands biologists to improve access.



From: michael gale@fws.gov on behalf of Sheehan, Greg

To: Ron Regan

Subject: Thank you - Sportsman"s Access Ramp Up Summit

Date: Monday, August 28, 2017 9:46:38 AM

Attachments: 066300 Regan.pdf

DOI August2017 Access Summit Summary.docx

Hello Ron,

Thank you again for attending the Sportsman's Access Ramp Up Summit a few weeks ago in Washington, D.C. A hard copy of this thank you letter and meeting summary is in the mail. I look forward to working with you on this important issue.

Greg

--

Greg Sheehan Principal Deputy Director US Fish and Wildlife Service 1849 C Street NW, Room 3358 Washington, DC 20240 Office 202-208-4545 Cell 202-676-7675





United States Department of the Interior

PISH & WILDLIFE SERVICE

FISH AND WILDLIFE SERVICE Washington, D.C. 20240

In Reply Refer To: FWS/D/066300 AUG 25 2017

Ron Regan Executive Director Association of Fish & Wildlife Agencies 1100 First Street, NE Suite 825 Washington, DC 20002

Dear Mr. Regan:

I want to thank you for taking time out of your busy schedule to participate in the Sportsman's Access Ramp Up Summit in Washington, D.C. on August 2, 2017. Your perspective and expertise truly contributed to the valuable dialogue at the summit, and we appreciate your enthusiasm for efforts to expand hunting, fishing, and boating access and participation nationwide.

As Secretary Zinke, Deputy Secretary Bernhardt, and I stressed at the Summit, this administration is strongly committed to addressing and increasing access to hunting, angling, and boating on federal lands, as well as advancing the heritage of Teddy Roosevelt and strengthening the North American model of conservation for future generations. The small-group discussions at the Summit and many of the ideas that came out of those dialogues will help us advance these urgent priorities in the months ahead.

Our plan now is to review the enclosed summary document and determine which of these recommendations fit best with our existing resources, authorities and priorities. Once that task is complete, we will be reaching out to your organization, other participating organizations at the Summit, and representatives of additional partners who might be willing and able to work together with us to implement these priority actions over both the short and long term.

Once again, I deeply appreciate your willingness to commit your time and expertise to this vital effort, and look forward to collaborating with you and your members to connect more Americans with their hunting and fishing heritage.

Sincerely,

Principal Deputy Director

Attachment



August 2, 2017 Washington, D.C.



On August 2, 2017, over fifty individuals representing a wide range of conservation, hunting, angling, and shooting sports organizations convened at the U.S. Department of Interior (DOI) to provide individual views on how the Department and its sister landholding agencies could support and advance access to public lands for hunting, angling, and shooting sports.

Department leaders, including the Secretary of Interior, Ryan Zinke, Deputy Secretary, David Bernhardt, and Principal Deputy Director of the U.S. Fish and Wildlife Service, Greg Sheehan, opened the summit stressing that this administration is committed to addressing and increasing access to hunting and angling on federal lands and advancing the heritage of Teddy Roosevelt and the North American model for wildlife conservation.

Participants expressed a range of expectations for the summit, including: 1) recognizing that effective partnerships will be essential for success; 2) building on the work and thinking already done by various groups and coalitions; 3) considering access to information, knowledge, and relationships as key parts of access (in addition to physical access); 4) creating more consistency and clear staff direction within and across agencies and departments; 5) increasing access to public waters, for veterans, youth, and for persons with disabilities; 6) following input with action; and, 7) acknowledging the urgency for action on this issue.

The participants covered a host of issues and ideas in both full group discussion and breakout sessions. Key points that emerged include:

- Partnerships are essential to advancing access, with state agencies as essential core partners along with hunting, fishing and conservation groups, landowners and recreational businesses as key allies and partners.
- Rules, regulations, and policies need to be reasonable, harmonized with states, and reduced or eliminated in some cases.
- Access is not only physical access, but access to information, relationships, mentors, programs, and education.
- Maintenance and construction projects across bureaus need to focus on access as a key priority.
- Investment in natural and man-made infrastructure that increases wildlife and human access is essential to success.
- Shooting sports are increasing rapidly and are a key means to engage new and different constituents.
- Access needs to be addressed at multiple scales—not only on federal land and unit-by-unit, but
 across units and across kinds of ownership (private, state, federal) recognizing that access exists
 in regions and landscapes larger than any particular property.
- R3 (Reactivation, Retention, and Recruitment) Programs should be streamlined, supported, and expanded, but built on what we know across state programs and their impacts and do not "recreate the wheel."
- Consider how to reach, engage, and motivate changing demographics is important, including the young, the disabled, the more diverse, and the more urban.
- Staff at the ground-level need clear direction and support around access issues from management and headquarters.



August 2, 2017 Washington, D.C.



GENERAL DISCUSSION

Department leaders, including the Secretary of Interior, Ryan Zinke, Deputy Secretary, David Bernhardt, and Acting Director of the U.S. Fish and Wildlife Service, Greg Sheehan, opened the summit stressing that: 1) this administration is committed to addressing and increasing access to hunting and angling on federal lands; 2) hunters, anglers and shooting sport enthusiasts are welcome in this administration and many appointees are hunters and fishermen just like the participants; 3) associated industries such as recreation vehicles, boats, fishing and tackle are often 95% made in the U.S. and add tremendous value to the U.S. economy; and, 4) this is a ramp up, a beginning, and hardly an end to the work ahead.

Greg Sheehan encouraged participants to think about access engagement and retention as having five key components. These are: 1) access; 2) availability of the resource; 3) affordability; 4) mentorship; and, 5) reasonable regulations. The facilitator asked the participants to abide by the following Summit approach: 1) please provide individual views only; 2) do not seek consensus or agreement; 3) please do not discuss any ongoing litigation with the Department; and 4) share the floor.

The participants covered a host of issues and ideas in both full group discussion and in ten small groups centered around five topics.

- Access to U.S. Fish and Wildlife Service National Wildlife Refuges
- Access to other federal lands BLM, USFS, NPS
- Access to private property
- Access to water bodies
- Access for new participants, impaired abilities and shooting sports

The following is a summary of the three to four key points from each of the ten breakout sessions. A more detailed record of the individual ideas and comments (recorded without attribution by name or affiliation) has been shared with the participants electronically.



August 2, 2017 Washington, D.C.



SUMMARY OF SUMMARIES FROM THE BREAK OUT GROUPS

NEW ENTRANTS, DISABLED, AND SHOOTING SPORTS

- Recast S.O. 3347 to include full participation of federal partners and states. By expanding beyond FWS, it will force dialogue that will open more doors
- Identify smaller projects for ADA compliance and accessibility and complete backlog maintenance needed on many lands: focus on recreation-oriented, access-creating projects
- Develop target range facilities on federal lands and fully integrate into communication and programming efforts
- Bring regulations into the 21st century—consistency and simplicity are key
- Create a "project clearinghouse" of ideas, suggestions, and the like that would increase access on specific various federal lands
- Promote public/private partnerships
- Communicate better on social media to capture new audiences
- Federal agencies should leverage numerous state R3 plans by: 1) supporting and enhancing those plans on federal lands and programs; 2) engaging youth; 3) engaging new participants; and 4) use evaluation to learn to identify the best practices among various R3 programs.

WATER BODIES

- Barriers include inconsistent access across units even within the same agency; federal and state regulations can be cumbersome for licenses and access (e.g. certain catch restrictions)
- Habitat restoration and conservation are key to successful outcomes
- Support programs to get youth outside and in the resource
- Provide more easily accessible information on-line and invest in the technology needed
- Separate power boat and non-power boat access
- Register/sticker non-powered craft to raise dollars for access projects
- Increase participation through more education and outreach
- Maintain and expand existing facilities by cutting back delays to projects such as certain ESA, NEPA, and other regulatory review requirements
- Add Wi-fi and cellular service to recreation sites
- Make access a priority government-wide with more centralized direction from DOI
- Improve infrastructure to sustain the resource and improve the visitor experience
- Work with partners to fund and implement habitat conservation programs and fund and leverage LWCF and USDA conservation programs for more access and use
- Increase consistency with states and federal agencies on rules and regulations

OTHER PUBLIC LANDS (BLM, NPS, USFS, BOR, ACOE)

- Employees need clear direction that access is a priority and a focus
- Investments in infrastructure should be driven by those that will increase access
- We have to connect urban areas to federal lands and access
- Build on the many thoughtful and consensus-based recommendations that came out of the 2008 conference (some 50+ recommendations), coalition reports, reports from Bureaus to the Secretary per the Executive Order, etc.



August 2, 2017

Washington, D.C.



- Ensure infrastructure dollars, visibility and priority is not just with the NPS, but with the other bureaus that provide the greater access for hunting and fishing
- Think on the landscape scale about access
- Make public lands public by addressing or reducing in-holdings within private lands that prevent access
- Improve and expand Recreation.gov website
- If the goal is to reconcile conservation and energy production on federal lands, then address, advance, and improve mitigation policies for that purpose

REFUGES

- Assessment of social barriers preventing recruitment and retention of demographics with historically low visitation rates to refuges for hunting and fishing (e.g. Hispanic, African-American) in order to inform creation of policies and projects to engage them
- Open hunting on national wildlife refuges in states where Sunday hunting is allowed
- Provide multi-agency pass to active duty military
- Have conservation organizations poll members on existing barriers/opportunities to hunt and fish on federal land
- Interagency one stop shopping online for places to hunt and fish on federal lands
- Continue to gather, deepen and add to concrete data for specific refuges, number of acres total, accessible for hunting and fishing, and help other bureaus to do the same
- Include states in the process of developing CCPs for refuges, setting hunting areas and species; and making, reviewing, streamlining, and getting rid of remnant regulations
- Use private, public and state partnerships to bridge the gap of resource constraints
- Support the Secretary's idea for a recreational envoy whose sole duty is to coordinate, promote, and push for increased access across the Department
- Advancing shooting sports on federal lands as a bridge to hunting and fishing

PRIVATE LANDS

- Understand and address the economics of what may be driving users to private hunt clubs and other off-public land activities (higher cost but better facilities, less competition, etc.)
- Address and minimize the legal and liability risks pose to private land owners regarding access and use through safe harbors and other tools
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From: To: Cc: Subject: Attachments:

gregory sheehan@fus.gov
jas@wrlf.com; gary_frazer@fus.gov; casey_hammond@ios.doi.gov; ryeny@fb.org
thomas_invine@fus.gov; lois_wellman@fus.gov
Updated Invitation: FWS/Nat'l Endangered Species act Reform Coalit on (ESARC)....@ Mon Jul 17, 2017 1pm - 2pm (lois_wellman@fus.gov)

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From: greg i sheehan@fws.gov

To: gary frazer@fws.gov; jerome ford@fws.gov; mike j johnson@fws.gov; Gina Shultz@fws.gov;

smcdonald@ipaa.org

Cc: delores bigby@fws.gov; lois wellman@fws.gov; oiea@ios.doi.gov

Updated invitation: Hold: Meeting re: MBTA and Mitigation (Greg Sheehan, Gary... @ Thu Apr 26, 2018 3pm -Subject:

3:30pm (EDT) (greg_j_sheehan@fws.gov)

Attachments: invite.ics

This event has been changed.

more details » https://www.google.com/calendar/event?

Changed: Hold: Meeting re: MBTA and Mitigation (Greg Sheehan, Gary Frazer, Jerome Ford & Independent Petroleum Association of America) on -

On Thu, Mar 22, 2018 at 11:03 AM, Samantha McDonald <SMcDonald@ipaa.org <mailto:SMcDonald@ipaa.org >> wrote: Greg.

As you may know, IPAA has an active wildlife task force. Several of my experts will be in town on Thursday, April 26th . Would you be available to meet with us sometime that day? The attendees currently include the following individuals, though I expect some will drop off as the day gets closer:

Suzi Holland, Chevron

Brian Woodard or Cassi Moore, Chesapeake

Nick Owens Anadarko Greg Schrab, SM Energy Wendy Kirchoff, Noble Energy

Chris Jensen, BP

Spencer Kimball, EOG Resources

Tripp Parks, Western Energy Alliance (fellow allied trade)

Dan Naatz, IPAA

*Samantha McDonald, IPAA

Subjects:

- 1. MBTA
- 2. Mitigation

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org > 202-857-4702 Day of Contact: Sam McDonald (cell)

Thanks in advance for the consideration of this request.

Best

Sam

Samantha McDonald

Director of Government Relations

Independent Petroleum Association of America

(202)857-4722 / Visit IPAA https://www.google.com/url?

 $q=http\%3A\%2F\%2Fwww.ipaa.org\%2F\&sa=D\&ust=1523655255612000\&usg=AFQjCNGHCh7Y9fCUwzp9wl1M6-43EhpJlg>/Visit\ ESA\ Watch and the properties of https://www.google.com/url?

When Changed: Thu Apr 26, 2018 3pm - 3:30pm Eastern Time

Where Room 3038 (map https://maps.google.com/maps?q=Room+3038&hl=en)

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 $Calendar\ greg_j_sheehan@fws.gov$

Who • greg_j_sheehan@fws.gov - organizer

- · thomas_irwin@fws.gov creator
- gary_frazer@fws.gov
- · jerome_ford@fws.gov
- mike_j_johnson@fws.gov
- · Gina_Shultz@fws.gov
- smcdonald@ipaa.org
- · delores_bigby@fws.gov optional
- · lois_wellman@fws.gov optional
- · oiea@ios.doi.gov optional

Invitation from Google Calendar https://www.google.com/calendar/

You are receiving this email at the account thomas_irwin@fws.gov because you are subscribed for updated invitations on calendar greg_j_sheehan@fws.gov.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More

https://support.google.com/calendar/answer/37135#forwarding.



gros J. sheehan@fus.gov gan/ frazer@fus.gov: milke J. johnson@fus.gov: Gna. Shultz@fus.gov: smedonald@jpaa.org: jerome_ford@fus.gov los. sediman@fus.gov: glea@fus.dol.gov: gleicres. bigty@fus.gov Updated invitation: Hold: Meeting re: MBTA and M tigation (Greg Sheehan, Gary... @ Thu Apr 26, 2018 3pm - 3:30pm (EDT) (gina_shultz@fus.gov) DX.B.E.S

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Chris Jenen, BP
Spencer Kimball, EOG Resources
Tripp Parks, Western Energy Alliance (fellow allied trade)
Dan Mazir, JPA
*Samantha McDonald, IPAA

Thanks in advance for the consideration of this request.

Samanhu McDonald
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This event has been changed.

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Changed Holf: Meeting or: MBTA and Mitigation (Greg Sheehan, Gary Frazer, Jerome Ford & Independent Petroleum Association of America) on - Rm 3038 Grav, Mar 22, 2018 at 11:03 AM, Samantha McDonald «SMcDonald@ipaa.org «mailto:SMcDonald@ipaa.org» > wrote:

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Nick Owen Anadarko
Greg Schark, SM Botel
Greg Schark, Western Energy
Alliance (fellow allied trade)
Dan Nazir, IPAA
*Samantha McDonald, IPAA

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org> 202-857-4702 Day of Contact: Sam McDonald (cell)

Thanks in advance for the consideration of this request.

Best,

Samantha McDonald
Director of Government Relations
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**Initial primer fo



greg j sheehan@fvs.gov
Gina Shult@fvs.gov: smodonald@ipaa.org: gary frazer@fvs.gov: jerome ford@fvs.gov: mike j johnson@fvs.gov
loea@ios.do gov; delores. bjotye@fvs.gov: lois. wellman@fvs.gov
Updated invitation: Hold: Meeting re: MBTA and Mitigation (Greg Sheehan, Gary... @ Thu Apr 26, 2018 3pm - 3:30pm (EDT) (o ea@ios.dol.gov)

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Gerg Schrin, Sha Brengy
Wendy Krichoff, Noble Energy
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Chris Jensen, BP
Spencer Kimball, EOG Resources
Topip Parks, Western Energy Alliance (fellow allied trade)
Samantha McDonald, IPAA

1. MBTA

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org> 202-857-4702 Day of Contact: Sam McDonald (cell/

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Samanha McDonald
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When Changed: Thu Apr 26, 2018 3pm – 3:30pm Eastern Time
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*Scheduling Contact: Sam McDonald smcdonald@ig Day of Contact: Sam McDonald (cell) aa.org <mailto:smcdonald@ipaa.org> 202-857-4702

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Independent Petroleum Association of America
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Meeting (Greg Sheehan, Gary Frazer and Members of the Western Energy Alliance) - Rm 3038

On Mon, Apr 2, 2018 at 3:28 PM, Benjamin Willmore outlook.com <mailto (6) (6) outlook.com >> wrote:

Dear Roslyn,

Members of the Western Energy Alliance (WEA)—the Denver based regional trade association for the oil and gas industry—will be in town April 23rd through 25th and would like to organize a meeting with Deputy Director Sheehan to discuss the following issues

- Mitigation
 Section 7 consultations in the context of NEPA reform
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 ESA petition process
 Great Sage-Grouse
 Lesser Parise Chicken
 Texas Hornshell
 Sue-and-settle

Those in attendance will be:

- * Randy Bolles (Devon Energy)

 Bill Cadman (Whiting)
 Rich Former (Great Western O&G)

 Wish Jenkins (Upstream Petroleum Management Jeff Lang Bill Fenergy)
 Elly Long Miller (NP Energy Services)

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 Cress Servan (White Ja CE Representative)

 And other WEA staff thd.

Please get back to me as soon as you can. Thank you so much for your time, and I look forward to hearing from you!

Benjamin N. Willmore
(80) 4632-7441

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Meeting (Greg Sheehan, Gary Frazer and Members of the Western Energy Alliance) - Rm 3038

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 * Clayton Miller (NP Energy Services)

 * Kim Rodell (Upstream Petroleum Management)

 * Pam Roth (EOG Resources)

 * Greg Schrap (Sim Energy)

 * Tim Siewart (WEA DC Representative)

 * And other WEA auff del.

- Please get back to me as soon as you can. Thank you so much for your time, and I look forward to hearing from you!

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Your attendance is optional.
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| Updated invitation: Meeting (Gereg Shehan, Cary Frazer and Members of the Wes... @ Tue Apr 24, 2018 2:15pm -3:15pm (MDT) (norsen_washhefws.gov)

This event has been changed.

more details » https://www.google.com/calendar/event?
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Meeting (Greg Sheehan, Gary Frazer and Members of the Western Energy Alliance) - Rm 3038

On Mon, Apr 2, 2018 at 3:28 PM, Benjamin Willmore (6) (6) outlook.com <mailto (b) (6)

Dear Roslyn.

Members of the Western Energy Alliance (WEA)—the Denver based regional trade association for the oil and gas industry—will be in town April 23rd through 25th and would like to organize a meeting with Deputy Director Sheehan to discuss the following issues:

- Mitigation
 Section 7 consultations in the context of NEPA reform
 ESA petition process
 Great Sage-Grouse
 Lesser Parier Chicken
 Texas Hornshell
 Sue-and-settle

Those in attendance will be:

- * Randy Bolles (Devon Energy)

 * Bill Cadman (Whiting)

 *Rich Former (Great Western O.&G)

 *Wish Jenkins (Upstream Petroleum Management Jeff Lang Bill Feargy)

 *Clayson Miller (NP Energy Services)

 *Clayson Miller (NP Energy Services)

 *Kim Rodel (Upstream Petroleum Management)

 *Pam Roch (EOG Resources)

 *Greg Schrag (Ma Energy)

 *Tim Siewart (WEA D. & Representative)

 *And other WEA A. saff bd.

Please get back to me as soon as you can. Thank you so much for your time, and I look forward to hearing from you!

outlook.com cmailte (1) (6) outlook.com combined from control for the Apr 24, 2018.215pm 3 - 33pm Mountain Time Where Rm 3038 kmg - 4thps://maps.oogle.com/maps/E Rm 3038 kbl en-) Video call https://hangouss.oogle.com/hangouss//doi.gov/greg-j-sheehan-chtt.com/maps/Endeam/effexs.gov-organizer-effects.gov-organizer-effetts.gov-orga

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 * Jeff Lang (Bil Fenergy)

 * Clayton Miller (NP Energy Services)

 * Tim Sewart (Upstream Petroleum Management)

 * Tim Sewart (WEA D'C Repesentative)

 * And other WEA staff thd.

Please get back to me as soon as you can. Thank you so much for your time, and I look forward to hearing from you!

(80]-652-7441 outlook.com -mailto (12) (5) outlook.com -waited (12) (5) outlook.com -waited (13) (6) outlook.com -waited (14) (6) ou

Your attendance is optional.
Going? Yes -othips://www.google.com/calendar/event?
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 * Wish Jenkins (Upstream Petroleum Management,

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 * Clayson Miller (NP Energy Services)

 * Kim Rodell (Upstream Petroleum Management)

 * Pam Rods (EOG Resources)

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 * Tim Sawan (Wile A. De Reposentative)

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All SPENONDEGM**
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From: greg_j_sheehan@fws.gov

To: gary frazer@fws.gov; (b) (6) outlook.com

Cc: matt hogan@fws.gov; amy lueders@fws.gov; lois wellman@fws.gov; oiea@ios.doi.gov; noreen walsh@fws.gov

Subject: Updated invitation: Meeting (Greg Sheehan, Gary Frazer and Members of the Wes... @ Tue Apr 24, 2018 4:15pm

- 5:15pm (EDT) (greg_j_sheehan@fws.gov)

Attachments: <u>invite.ics</u>

This event has been changed.

more details » https://www.google.com/calendar/event?

Meeting (Greg Sheehan, Gary Frazer and Members of the Western Energy Alliance) - Rm 3038

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- * Jeff Lang (BIP Energy)
- * Clayton Miller (NP Energy Services)
- * Kim Rodell (Upstream Petroleum Management)
- * Pam Roth (EOG Resources)
- * Greg Schrap (SM Energy)
- * Tim Stewart (WEA DC Representative)
- * And other WEA staff tbd.

Please get back to me as soon as you can. Thank you so much for your time, and I look forward to hearing from you!

Best.

Benjamin N. Willmore

(801)-652-7441

outlook.com <mailto (6) (6) outlook com>

When Changed: Tue Apr 24, 2018 4:15pm – 5:15pm Eastern Time

Where~Rm~3038~(map < https://maps.google.com/maps?q=Rm+3038&hl=en>)

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Calendar greg_j_sheehan@fws.gov

Who • greg_j_sheehan@fws.gov - organizer

- thomas_irwin@fws.gov creator
- garv frazer@fws.gov
- outlook.com
- matt_hogan@fws.gov optional
- amy_lueders@fws.gov optional
- lois_wellman@fws.gov optional
- oiea@ios.doi.gov optionalnoreen_walsh@fws.gov optional

Invitation from Google Calendar https://www.google.com/calendar/
You are receiving this email at the account thomas_irwin@fws.gov because you are subscribed for updated invitations on calendar greg_j_sheehan@fws.gov.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar. Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More



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The property of th Meeting (Greg Shechan, Gary Frazer and Members of the Western Energy Alliance) - Rm 3038

When Changed: Tue Apr 24, 2018 4:15pm - 5:15pm Eastern Time

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Clayton Miller (NP Energy) Services)

Kim Rodell (Upstream Petroleum Management)

Pam Roth (EOG Resources)

Tim Stewart (WEA DC Reposentative)

And other WEA Staff Ind.

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From: <u>stephen_guertin@fws.gov</u>
To: <u>mgable@forestlandowners.com</u>

Cc: gary frazer@fws.qov; lois wellman@fws.qov; greq j sheehan@fws.qov

Subject: Updated invitation: Meeting (Steve Guertin, Gary Frazer and Scott Jones, CEO ... @ Tue Jan 16, 2018 3:30pm -

4pm (stephen_guertin@fws.gov)

Attachments: invite.ics

This event has been changed.

more details » https://www.google.com/calendar/event?

action=VIEW&eid=MWJwNDJpbGFlOGJ1ZHZ0NDFtOXF1cmRnbWQgc3RlcGhlbl9ndWVydGluQGZ3cy5nb3Y>

Meeting (Steve Guertin, Gary Frazer and Scott Jones, CEO Forest Landowners Association) on ESA and listing process - Rm 3357 On Fri, Jan 5, 2018 at 12:42 PM, mgable@forestlandowners.com <mailto:mgable@forestlandowners.com> wrote:

I am with the Forest Landowners Association whose members are comprised of the largest private and family timber owners in the US. Many of whom have been impacted by the ESA and recent At-Risk Species listings. For the past several years we have worked with Doug Krofta out of the Division of Conservation and Classification in Arlington and with Region IV on developing better partnerships and understanding of how the listing process and determinations impact forest landowners. Scott Jones, FLA CEO will be in town on Tuesday, January 16th and we wanted to see if you were available for a meeting for us to further introduce FLA and discuss the ESA and listing process.

Regards, Melinda Gable Forest Landowners Association Vice President 202-302-4794 www.forestamerica

www.forestlandowners.com https://www.google.com/url?

q=http%3A%2F%2Fwww.forestlandowners.com&sa=D&ust=1515780238690000&usg=AFQjCNEeTha0mnbuB_tYoJXmj7Z3RUrwYA>

When Changed: Tue Jan 16, 2018 3:30pm - 4pm Eastern Time

Where Room 3357 (map https://maps.google.com/maps?q=Room+3357&hl=en)

Video call (b) (5) CIP, (b) (6)

Calendar stephen_guertin@fws.gov

Who • stephen_guertin@fws.gov - organizer

- · thomas_irwin@fws.gov creator
- mgable@forestlandowners.com
- gary_frazer@fws.gov optional
- lois_wellman@fws.gov optional
- greg_j_sheehan@fws.gov optional

Invitation from Google Calendar https://www.google.com/calendar/

You are receiving this email at the account roslyn_sellars@fws.gov because you are subscribed for updated invitations on calendar stephen_guertin@fws.gov.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More

https://support.google.com/calendar/answer/37135#forwarding>.



stephen_guertin@fws.gov
mgable@forestlandowners.com
lois wellman@fws.gov; greg | sheehan@fws.gov; gary_frazer@fws.gov
Updated invitation: Meeting (Steve Guertin, Gary Frazer and Scott Jones, CEO ... @ Tue Jan 16, 2018 3:30pm - 4pm (lois_wellman@fws.gov)

invite.ics Attachments:

This event has been changed.

more details ~ chitps://www.google.com/calendar/event?

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... mers.com http%3A%2F%2Fwww.forestlandowners.com&sa D&ust 1515780238775000&usg AFQjCNFfgHtug_LLkgBpfzidqWT4a_h4Zw>

www.forestlandowners.com :https://www.google.com/uri?q https://a/2-fw.24-www.When Changed: Tue Jan 16, 2018 3:30pm - 4pm Eastern Time
Where Room 3357 (map - 4tmp://maps.google.com/maps?q Room 3357&hl en-)
Video ca in the common street of th



stephen_quertin@fws.gov mgatike@forestlandowners.com gav_frazer@fox_gov_bis_wolfman@fws.gov_greg_j_shechan@fws.gov Updated invitation: Meeting (Steve Guertin, Gary Frazer and Scott Jones, CEO ... @ Tue Jan 16, 2018 3:30pm - 4pm (EST) (mgable@forestlandowners.com)

This event has been changed.

more details = https://www.google.com/calendar/event?

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Where Roma 3357 (Impact Inter/may copie continue) of the Company of the Compan

On Fri, Jan 5, 2018 at 12:42 PM, mgable@forestlandowners.com - muiltomgable@forestlandowners.com - wrote:
Hi Stephan,
Lam with the Forest Landowners Association whose members are comprised of the largest private and family timber owners in the US. Many of whom have been impacted by the ESA and recent At-Risk Species listings. For the past several years we have worked with Doug Krofta out of the Division of Conservation and Classification in Affington and with Region IV on developing better partnerships and understanding of how the listing process and determinations impact forest landowners. Scott Jones, PLA CEO will be in town on Tuesday, January 16th and we wanted to see if you were available for a meeting for to to further introduce PLA and discuss the ESA and addiscuss the ESA and recent At-Risk Species listings. For the past several years we have worked with Doug Krofta out of the Division of Conservation and Classification in Affington and with Region IV on discussion and Classification and Classific

Regards,
Melinds Gable
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stephen_guertin@fws.gov
mgable@forestlandswners.com
lois.wellmane@fws.gov; greg_j_sheehan@fws.gov
Updated invitat on: Meeting (Steve Guertin, Gary Frazer and Scott Jones, CEO ... @ Tue Jan 16, 2018 3:30pm - 4pm (gary_frazer@fws.gov)

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Meeting (Steve Guertin, Gary Frazer and Scott Jones, CEO Forest Landowners Association) on ESA and listing process - Rm 3357
OF Fit, Jan 5, 2018 at 12-42 PM, mgable@forestlandowners.com <mailto:mgable@forestlandowners.com <mailto:mgable@forestlan

Melinda Gable
Forest Landowners Association
Vice President
202-302-4794
www.forestamerica
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When Changed: Tue Jan 16, 2018 3:30pm - 4pm Eastern Time

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greg __sheehan@fvs.gov: los_wellman@fvs.gov: gary frazer@fvs.gov
Updated invitation: Meeting (Steve Guertin, Cary Frazer and Scott Jones, CEO __... @ Tue Jan 16, 2018 3:30pm - 4pm (greg_j_sheehan@fvs.gov)
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Methods Gable
Forest Landowners Association
Vice President
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greg j sheehan@fws.gov timothy williams@ios.dol.gov: glea@ios.dol.gov: gary_frazer@fws.gov: robertcl@jacksoncounty.org Updated invitation: Meeting re: Delisting Wolves in Oregon (Greg Sheehan, Gar... @ Mon Mar 5, 2018 11am - 11:30am (EST) (gary_frazer@fws.gov) To: Subject:

Attachments:

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Changed: Meeting re: Delisting Wolves in Oregon (Greg Shechan, Gary Frazer, Timothy Williams-DOI External Affairs & Colleen Roberts-Jackson County (Oregon) Commissioner) - Rm 3358-MIB On Fri, Jan 26, 2018 at 3:08 PM, Colleen Roberts-RobertCL@jacksoncounty.org <mailto:RobertCL@jacksoncounty.org >> wrote:

I am visiting Washington DC in March and would very much appreciate an opportunity to meet with Director Sheehan while I am there regarding our request to federally delist wolves in oregon. I will be available March 3-6.

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greg_I_sheehan@fws.gov roberticlejacksoncounty.org: gary_frazer@fws.gov; clea@ os.doi.gov; timothy_williams@ios.doi.gov Updated invitation: Meeting re: Delisting Wolves in Oregon (Greg Sheehan, Gar... @ Mon Mar 5, 2018 11am - 11:30am (EST) (clea@ios.doi.gov) Attachments:

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Sincerely, Colleen Roberts Jackson county commissioner

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greg i sheehan@fws.gov From:

To: aeno@landcan.org

Updated invitation: Meeting: Greg Sheehan/Amos Eno re: Briefing Deputy Secret... @ Tue Jan 16, 2018 4pm -Subject:

4:30pm (greg_j_sheehan@fws.gov)

Attachments: invite.ics

This event has been changed.

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Changed: Meeting: Greg Sheehan/Amos Eno re: Briefing Deputy Secretary on ESA, Partners, NRCS, REPI, etc) Rm 3358

Changed: Subjects: Brief to Dep Sec (ESA, Partners, NRCS, REPI etc).

- Forwarded message --

From: Amos Eno

Date: Thu, Jan 11, 2018 at 8:28 AM Subject: meet Sheehan 16-18 Jan To: roslyn sellars, Thomas Irwin

Ros Thomas

Can you fit me in to see Greg next week? My flight gets into DC 2pm on 16th I have currently an 11am on 6th floor and a second brief on 6th floor on 17th

Amos S. Eno Executive Director Land Conservation Assistance Network 74 Lunt Road Suite 300 Falmouth, ME 04105 207-536-0831 207-232-0134 (c)

When Tue Jan 16, 2018 4pm - 4:30pm Eastern Time

 $Video\ call\ https://plus.google\ com/hangouts/_/doi.gov/greg-j-sheehan < https://plus.google\ com/hangouts/_/doi.gov/greg-j-sheehan?$

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Calendar greg_j_sheehan@fws.gov

Who \bullet greg_j_sheehan@fws.gov - organizer

• roslyn_sellars@fws.gov - creator

· aeno@landcan.org

Invitation from Google Calendar https://www.google.com/calendar/

You are receiving this email at the account thomas_irwin@fws.gov because you are subscribed for updated invitations on calendar

greg_j_sheehan@fws.gov.

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https://support.google.com/calendar/answer/37135#forwarding>.



greg_i_sheehan@fvs.gov_ jsullivan@jamisonandsullivan.com; robyn_thorson@fvs.gov; gary_frazer@fvs.gov; theresa_rabot@fvs.gov_ lois_wellman@fvs.gov; rosa_reed@fvs.gov; plicole_tsupava@ffvs.gov Updated invlation: Meet ng/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Tue Dec 12, 2017 2pm - 2:30pm (robyn_thorson@fvs.gov) Invite_ics

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Jay R. Sullivan
Jay R. Sullivan
JAMISON AND SULLIVAN, INC.
306 Constitution Avenue, NE
Washington, D.C. 20002
202-546-9060
Cell: 202-255-0062

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When Changed: Tue Dec 12, 2017 2pm - 2:30pm Pacific Time

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Updated invitation: Meeting/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Tue Dec 12, 2017 2pm - 2:30pm (theresa_rabot@fws.gov)

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Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

Cell: 202-255-0062
When Changed: The Dec 12, 2017 2pm -2-30pm Pacific Time
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Updated invitation: Meeting/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Tue Dec 12, 2017 5pm - 5:30pm (EST) (jsullivan@jamisonandsullivan.com)

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Jay R. Sullivan
2-16 PM (Initiatis ago)
Thank you for solding us in with such short notice to meet next Thursday at 11:00. I will be accompanying County Commissioners Mark Owens and Todd Nash from Harney and Wallowa Counties in Oregon respectively. They will be in town for meetings with the Chief of the Forest Service regarding Eastside Regards.

Regards.

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Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

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Updated invitation: Meeting/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Tue Dec 12, 2017 2pm - 2:30pm (theresa_rabot@fvs.gov)

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Jay R. Sullivan
JAMISON AND SULLIVAN, INC.
306 Constitution Avenue, NE
Washington, D.C. 20002
202-546-906
Cell: 202-255-0062

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Jay R. Sullivan
JAMISON AND SULLIVAN, INC.
306 Constitution Avenue, NE
Washington, D.C. 20002
202-546-906
Cell: 202-255-0062

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Changed: Meeting/Conference Call (Greg Sheehan, Gary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dial-in: 10 July 15 Rescode 10 July 15

Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

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lobs_wellman@fvs_gov: folds_tsugawa@fvs_gov: tose_read@fvs_gov
Updated invitation: Meeting/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Thu Dec 14, 2017 11am - 11:30am (EST) (jsullivan@jamisonandsullivan.com)

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action vIEw&eid MDMwaWilkcGzZWuucDEXYXiNHYzHI4YWkganN1bGxpdmFuQGpbWizh25bbmRzdWxxaXZbbi5jb20&to MjijZ3JIZ19qX3NoZWVYW5AZzdzLmdvdjkyNjiQ2YTAxYm15ZGY0
Changed Meeting Conference Call (Greg Sheshan, Cary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dial-in 100 Meeting
Jay R. Sullivan
2-16 PM (Initiatis ago)
Thank you for solding us in with such short notice to meet next Thursday at 11:00. I will be accompanying County Commissioners Mark Owens and Todd Nash from Harney and Wallowa Counties in Oregon respectively. They will be in town for meetings with the Chief of the Forest Service regarding Eastside Regards.

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Regards.

Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

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Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

Cell: 2022-255-0062

When Changed: Tue Dec 12, 2017 2pm -2:30pm Pacific Time

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AMERICAN OVERSIGHT

gary_frazer@fws.qov; cynthia_martinez@fws.qov; Alan Mintz; shaun_sanchez@fws.qov

Cc: azuredee perkins@fws.gov: lois wellman@fws.go

Updated invitation: Meeting/Conference Call (Jim, Gary, Cynthia and Alan Mint... @ Thu Sep 28, 2017 2:30pm - 3pm (shaun_sanchez@fws.gov) Subject:

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Changed: Meeting/Conference Call (Jim, Gary, Cynthia and Alan Mintz) on NWR and ESA matters) - Rm 3359
From: Alan Mintz
Date: Tue, Sep 27, 2014-01 PM
Date: Tue, Sep 26, opens
Tue, Toolyn, sellars/@fivs.gov - mailto:roslyn, sellars/@fivs.gov>"
Cc- "jim_kurth@fivs.gov - mailto:jim_kurth@fivs.gov>"
Roslyn,

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Alan L. Mintz Alan L. Mintz
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1050 Thomas Jefferson Street, N.W.
Washington, D.C. 20007
Direct line – 202-298-1837
Cell – 202-257-7175
alm@vnf.com <mailto:alm@vnf.com>

When Thu Sep 28, 2017 2:30pm – 3pm Eastern Time
Video call https://plus.google.com/hangouts/_/doi.gov/jim-kurth/?heeid amltX2t1enRoQGZ3ey5nb3Y_39q2e70dmvltbeuv7su82btn6v>
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From:

jim.kurth@fws.gov; shaun.sanche:@fws.gov; cynthia.martine:@fws.gov; Alan.Mintz; gary_frazer@fws.gov; lois_wellman@fws.gov; azuredee_perkins@fws.gov To: Cc:

Updated invitation: Meeting/Conference Call (Jim, Gary, Cynthia and Alan M nt... @ Thu Sep 28, 2017 2:30pm - 3pm (gary_frazer@fws.gov) Subject:

This event has been changed.

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Changed: Meeting/Conference Call (Jim, Gary, Cynthia and Alan Mintz) on NWR and ESA matters) - Rm 3359
From: Alan Mintz
Duite: Tue, Spc 26, 2017 at 4:01 PM
Subject: meeting request
To: "rosity, selfanse five, gov -rmailto:rosityn_selfans@fws.gov>"
Ct: "Jim, Jurth@fws.gov -rmailto:rjm, kurth@fws.gov>"
Rosityn, Rurth@fws.gov -rmailto:rjm, kurth@fws.gov>"

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Alan L. Mintz
Partner
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1050 Thomas Jefferson Street, N.W.
Washington, D.C. 20007
Direct line – 202-298-1837
Cell – 202-257-7175
alm@vnf.com<mailto:alm@vnf.com>

When Thu Sep 28, 2017 2:30pm - 3pm Eastern Time
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jim_kurth@fws.gov cynthia_martinez@fws.gov; gary_frazer@fws.gov; shaun_sanchez@fws.gov; Alan Mintz

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lois wellman@fws.gov: azuredee_perkins@fws.gov
Updated inv tation: Meeting/Conference Call (Jim, Gary, Cynthia and Alan Mint... @ Thu Sep 28, 2017 2:30pm - 3pm (cynthia_martinez@fws.gov) Subject:

Attachments:

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action VIEW&eid Mzkxhmt/3MGRtdmxf/ymV1djdzdTgyYnRuNnYgY3ludGhpYV9tYXJ0aW5lekBmd3MuZ292&tok MTcjamltX2t1cnRoQGZ3cy5nb3YzYzEyYzhhZjZmOWFjY2U2ZjlwMzdjZWZkNTZmZDViNzl4MjQ5MDZk&ctz AmericaNew_York&hl en> Changed: Meeting/Conference Call (Jim, Gary, Cynthia and Alan Mintz) on NWR and ESA matters) - Rm 3359
From: Alan Mintz
Date: Tue, Sep. 20, 2017 at 4:01 PM
Subject: meeting request
To: Toslyn_sellans@fvs_gov <mailto:roslyn_sellans@fvs.gov> *
Cc: jim_kurth@fvs.gov <mailto:roslyn_sellans@fvs.gov> *
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alm@vnf.com <mailto:alm@vnf.com>

When Thu Sep 28, 2017 2:30pm - 3pm Eastern Time
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From: iim kurth@fws.gov

shaun_sanchez@fws.gov; Alan Mintz; gary_frazer@fws.gov; cynthia_martinez@fws.gov To:

Cc: azuredee perkins@fws.gov: lois_wellman@fws.gov

Subject: Updated invitation: Meeting/Conference Call (Jim, Gary, Cynthia and Alan Mint... @ Thu Sep 28, 2017 6:30pm - 7pm (Alan Mintz)

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Changed Meeting/Conference Call (Jim, Gary, Cynthia and Alan Mintz) on NWR and ESA matters) - Rm 3359
From Alan Mintz
Date Tue, Sep 26, 2017 at 4 01 PM
Subject meeting request
To "roslyn_sellars@fws.gov <mailto roslyn_sellars@fws.gov>"
Cc "jim_kurth@fws.gov <mailto jim_kurth@fws.gov>"
Roslyn,

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alm@vnf.com <mailto alm@vnf.com>

When Thu Sep 28, 2017 6 30pm – 7pm Coordinated Universal Time Video call https://plus.google.com/hangouts/_/doi.gov/jim-kurth?hceid=amltX2t1cnRoQGZ3cy5nb3Y.39q2e70dmvltbeuv7su82btn6>Calendar Alan Mintz

Calendar Alan Mintz
Who • jm, kurth@tws.gov - organizer
• thomas. irwin@fws.gov - creator
• shaun_sanchez@fws.gov
• Alan Mintz
• gary_frazer@fws.gov
• cynthia_martinez@fws.gov
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• lois_wellman@fws.gov - optional

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ham. Sanchez@fws.gov: cynthia. mart nez@fws.gov: Alan Mintz: gary_frazer@fws.gov
azuredee_perkins@fws.gov: lois_wellman@fws.gov
Updated invitat on: Meet ng/Conference Call (Jim, Gary, Cynthia and Alan Mint...@ Thu Sep 28, 2017 2:30pm - 3pm (lois_wellman@fws.gov) Subject:

This event has been changed.

This e

Changed: Meeting Conference Call (Jim, Gary, Cynthia and Alan Mintz) on NWR and ESA matters) - Rm 3359
From: Alan Mintz
Date: Tue, Sep 26, 2017 at 4:01 PM
Subject: meeting request
To: 'rostyn_sellans' fivs.gov - 'mailtorjoslyn_sellans@fws.gov> '
Ce: 'jim_kuml@fws.gov - mailtorjim_kuml@fws.gov> '
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(1) I have had recent discussions with David Bemhardt and Todd Willens regarding a possible addition to the Bayou Savage NWR in New Orleans, and I wanted to bring Mr. Kurth up to date on those discuss (2) On behalf of the Impiral Eskimo people of the North Slope of Alaska, I would also like to discuss a couple of matters that involve the Village of Kaktovik and the Arctic National Wildlife Refuge; and (3) Finally, I would like to update Mr. Kurth on a couple of ESA matters.

My schedule over the next couple of days (Wednesday and Thursday of this week) is fairly flexible. Please let me know what date(s) and time(s) might work best for Mr. Kurth

I look forward to seeing you and Mr. Kurth in the near future. Thanks, as always, for your time and consideration of this request.

Alan L. Mintz Alan L. Mintz
Partner
Van Ness Feldman, LLP
1050 Thomas Jefferson Street, N.W.
Washington, D.C. 20007
Direct line – 202-298-1837
Cell – 202-257-7175
alm@vnf.com<mailto:alm@vnf.com>

When Thu Sep 28, 2017 2:30pm - 3pm Eastern Time
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Updated invitation: Meeting/Conference Call (Jim, Gary, Cynthia and Alan Mint... @ Thu Sep 28, 2017 2:30pm - 3pm (azuredee_perkins

Attachments:

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From: Alan Mintz
Date: Tue, Sp. 76, 2017 at 4-01 PM
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Sabject: meeting request
To: "rodyn, selfanse fives gov "mailtoroslyn, sellars@fws.gov>"
Cc: "jim, kurth@fws.gov / mailto: jim, kurth@fws.gov>"
Roslyn.

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Alan L. Mintz Partner Van Ness Feldman, LLP 1050 Thomas Jefferson Street, N.W. Washington, D.C. 20007 Direct line – 202-298-1837 Cell – 202-257-7175 alm@vnf.com</br>

When Thu Sep 28, 2017 2:30pm – 3pm Eastern Time
Video call https://plus.google.com/hangouts/_/doi.gov/jim-kurth/chttps://plus.google.com/hangouts/_/doi.gov/jim-kurth/fbceid amltX2t1cnRoQGZ3cy5nb3Y.39q2e70dmvltbeuv7su82bm6v>Clenderd arrundee_perkins@fex.gov organizer
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You attendance is optional.

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Updated invitation: Hold: Meet ng re: MBTA and Mit gation (Greg Sheehan, Gary... @ Thu Apr 26, 2018 3pm - 3:30pm (EDT) (mike_j_johnsonëfvs.gov) |
indid LiS

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Changed: Hold: Meeting re: MBTA and Mitigation (Greg Sheehan, Gary Frazer, Jerome Ford & Independent Petroleum Association of America) on - Rm 3038 On Thu, Mar 22, 2018 at 11:03 AM, Samantha McDonald «SMcDonald@ipaa.org - muilto:SMcDonald@ipaa.org -> wrote:

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Chris Jenen, BF
Spencer Kimbl, EOG Resources
Tripp Parks, Western Energy Alliance (fellow allied trade)
Dan Naatz, IPA
*Samantha McDonald, IPAA

1. MBTA 2. Mitigation

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org> 202-857-4702 Day of Contact: Sam McDonald (cell 6) 6

Thanks in advance for the consideration of this request.

Best.

Samanina McDonald
Disector of Government Relations
Independent Petroleum Association of America
(20)28574722 / Visit ESA Watch chttps://www.google.com/url?q https://www.google.com/url?q http

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Changed: Hold: Meeting re: MBTA and Mitigation (Greg Sheehan, Gary Frazer, Jerome Ford & Independent Petroleum Association of America) on - Rm 3038.
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*Samantha McDonald, IPAA

Subjects: 1. MBTA 2. Mitigation

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org > 202-857-4702
Day of Contact: Sam McDonald (cell 1) (6)

Thanks in advance for the consideration of this request.

Samantha McDonald

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
(20/20537-472: Visit ESA Watch -chttps://www.google.com/url?q http%3A%2F%2Fwww.ipaa.org%2F&sa D&sss 1523655255678000&ssg AFQ/CNFQ/WuTtPsoRYRae8SAIL8wj65AvQ> / Visit ESA Watch -chttps://www.google.com/url?q http%3A%2F%2Fwww.ipaa.org%2F&sa D&sss 1523655255678000&ssg AFQ/CNFQ/WuTtPsoRYRae8SAIL8wj65AvQ> / Visit ESA Watch -chttps://www.google.com/url?q http%3A%2F%2Fwww.esawatch.org%2F&sa D&sss 152365525679000&ssg AFQ/CNFBdoy4oDUBLCCu2/GSZ-QmW4L_p>
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From: To: Cc: Subject: Attachments:

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This event has been changed.

more details > chtps://www.google.com/calendar/event?

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*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org > 202-857-4702 Day of Contact: Sam McDonald (cell)

Thanks in advance for the consideration of this request.

Best,

Samantha McDonald
Director of Government Relations
Independent Personnel Association of America
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greg_j_sheehan@fws.gov smcdonald@ipaa.org: mike_i_johnson@fws.gov: Gina_Shultz@fws.gov: jerome_ford@fws.gov: gary_frazer@fws.gov delores_bipby@fws.gov: dea@ios.doi.gov: bis_wellman@fws.gov Updated invitation: Hold: Meet ng re: MBTA and Mt gation (Greg Sheehan, Gary... @ Thu Apr 26, 2018 3pm - 3:30pm (EDT) (delores_bigby@fws.gov) invite.ics

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Nick Owens Anadarko
Grieg Schrab, XM Energy
Grieg Schrab, XM Energy
Chris Jenen, BP
Spencer Kimball, EOG Resources
Tripp Parks, Western Energy Alliance (fellow allied trade)
Dan Naatz, IPAA
*Samantha McDonald, IPAA

Subjects: 1. MBTA 2. Mitigation

*Scheduling Contact: Sam McDonald smcdonald@ipaa.org <mailto:smcdonald@ipaa.org > 202-857-4702
Day of Contact: Sam McDonald (cell 1) (6)

Thanks in advance for the consideration of this request.

Samantha McDonald

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
(20/2087-4722: Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.ipua.org%2F&su D&sust 1523655258827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.ipua.org%2F&su D&sust 1523655258827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.esawatch.org%2F&su D&sust 1523655258827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.esawatch.org%2F&su D&sust 1523655258827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.esawatch.org%2F&su D&sust 1523655258827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.ipua.org%2F&su D&sust 1523655258827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.ipua.org%2F&su D&sust 1523655258827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.ipua.org%2F&su D&sust 1523655258827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.ipua.org%2F&su D&sust 1523655258827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.ipua.org%2F&su D&sust 152365525827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.ipua.org%2F&su D&sust 152365525827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.ipua.org%2F&su D&sust 152365525827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fwww.ipua.org%2F&sust 152365525827000&sug AFQ/CNGIGriGUp NSnE_GLU8ooS-ILE76Q> / Visit ESA Watch -chmps://www.google.com/url?q http%3A%2F%2Fw

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Updated initiation: Meeting (Greg Sheehan, Gary Frazer and Members of the Wes... @ Tue Apr 24, 2018 4:15pm - 5:15pm (EDT) (gary_frazer@fws.gov)
initiations. This event has been changed.

more details > dttps://www.google.com/calendar/event?

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Section 7 consultations in the context of NEPA reform
ESA petition process
Great Sage-Grouse
Lesser Pariire Chicken
Texas Hornshell
Sue-and-settle Those in attendance will be: Randy Bolles (Devon Energy) Bill Cadman (Whiting) Rich Former (Great Western O&G) Wish Jenkins (Upstream Petroleum Manag Wish Jenkins (Upstream Petroleum Management Jeff Lang (BlF Energy)
Clayton Miller (NP Energy Services)
Clayton Miller (NP Energy Services)
Kim Rodell (Upstream Petroleum Management)
Pam Roth (EOG Resources)
Greg Schrap (SM Energy)
Tim Stewart (WFA DC Representative)
And other WFA staff fbd. Please get back to me as soon as you can. Thank you so much for your time, and I look forward to hearing from you (801)+65-27441

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greg_j_sheehan@fws.gov robyn_thorson@fws.gov; jsullivan@jamisonandsullivan.com; theresa_rabot@fws.gov; gary_frazer@fws.gov nicole_sugawa@fws.gov; lois_wellman@fws.gov; rose_red@fws.gov Updated invitation: Meet ng/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Tue Dec 12, 2017 2pm - 2:30pm (nicole_tsugawa@fws.gov) invite_ics

This event has been changed.

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Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

Cell: 2022-255-0062

When Changed: Tue Dec 12, 2017 2pm - 2:30pm Pacific Time

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From: To: Cc: Subject: Attachments:

greg __i sheehan@fws.gov;
therear_rabol@fws.gov; robyn:thorson@fws.gov; jsullivan@jamisonandsullivan.com; gary_frazer@fws.gov
plode_tsuawaed*Pws.gov; rose_reed@fws.gov; jois_wellman@fws.gov
Updated invitation: Meeting/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Tue Dec 12, 2017 5pm - 5:30pm (gary_frazer@fws.gov)

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Meeting/Conference Call (Greg Sheehan, Gary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dal-in [Dal-in [

Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

Cell: 202-255-0062
When Changed: The Dec 12, 2017 5pm – 5:30pm Eastern Time
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cobyn. Thorson@fws.gov; theresa_rabot@fws.gov; gary_frazer@fws.gov; isullivan@janisonandsullivan.com
cose_read@fws_gov; bis_wellman@fws.gov; nicole_tsugawa@fws.gov;
Updated invitation: Meeting/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Tue Dec 12, 2017 2pm - 2:30pm (rose_read@fws.gov)

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Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

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rose_reed@fws.gov - optional
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Meeting/Conference Call (Greg Shechan, Gary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dial-in Day 5) Passcode Day 8, Sullivan

20.8 PM (6 minutes ago)

Thank you for slotting us in with such short notice to meet next Thursday at 11:00. I will be accompanying County Commissioners Mark Owens and Todd Nash from Hamey and Wallowa Counties in Oregon respectively. They will be in town for meetings with the Chief of the Forest Service regarding Eastside Plan revisions in Oregon and would like to discuss ESA issues with the Deputy Director. They will be coming directly from those meeting and may be cutting the time closely but will do their level best to be there close to on time. Please call my cell if you have any questions. Regards.

[Jay Sullivan]

Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

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Updated inv tatton: Meeting/Conference Call (Greg Sheehan, Gary Frazer, Regio... @ Thu Dec 14, 2017 11am - 11:30am (lols_wellman@fvs.gov)

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Changed: Meeting/Conference Call (Greg Sbeehan, Gary Frazer, Region 1 and Oregon Counties Commissioners) to discuss ESA issue (Dial-in by 6) Passcode by 5 - Rm 3358

Jay R. Sullivan

20.6 PM (6-minutes ago)

Thank you for slotting us in with such short notice to meet next Thursday at 11:00. I will be accompanying County Commissioners Mark Owens and Todd Nash from Hamey and Wallowa Counties in Oregon respectively. They will be in town for meetings with the Chief of the Forest Service regarding Eastside Plan revisions in Oregon and would like to discuss ESA issues with the Deputy Director. They will be coming directly from those meeting and may be cutting the time closely but will do their level best to be there close to on time. Please call my cell if you have any questions. Regards.

Jay Sullivan

Jay R. Sullivan JAMISON AND SULLIVAN, INC. 306 Constitution Avenue, NE Washington, D.C. 20002 202-546-9060 Cell: 202-255-0062

| Cell: 202-25-3002| When Thu Dev 14, 2017 | Ham - 11:20am Eastern Time | When Thu Dev 14, 2017 | Ham - 11:20am Eastern Time | When Thu Dev 14, 2017 | Ham - 11:20am Eastern Time | When Thu Dev 14, 2017 | Ham - 11:20am Eastern Time | When Thu Dev 14, 2017 | Hampstrian |

Your attendance is optional.
Going? Yes-chtps://www.yoogle.com/calendar/event?
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From: Guertin, Stephen

To: c@aol.com
Cc: Roslyn Sellars; Thomas Irwin
Subject: Updated powerpoint

Date: Thursday, January 25, 2018 4:44:31 AM
Attachments: USFWS Partnership Overview Jan 2018.pptx

Liz

Here is an updated USFWS powerpoint for this morning's presentation to the class.

Please let me know the file made it through.

(We were scrambling to first shut down and then re open).

Thanks.

Steve









Conservation Partnerships in the 21st Century

Steve Guertin
Deputy Director
U.S. Fish & Wildlife Service



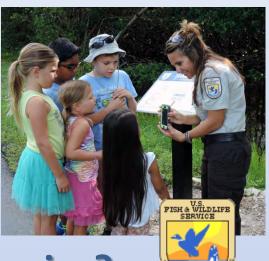












Who is the U.S. Fish and Wildlife Service?

• The only federal agency principally dedicated to the conservation of fish, wildlife and plants for the benefit of the American people. We work in all 50 states, U.S. territories and countries worldwide.

Duties:

- Land management: we manage millions of acres under the National Wildlife Refuge System and National Fish Hatchery System.
- Regulatory: we implement wildlife laws such as the ESA
- Law enforcement: we ensure those wildlife laws are adhered to
- Science: our science informs our policies, procedures and land management practices





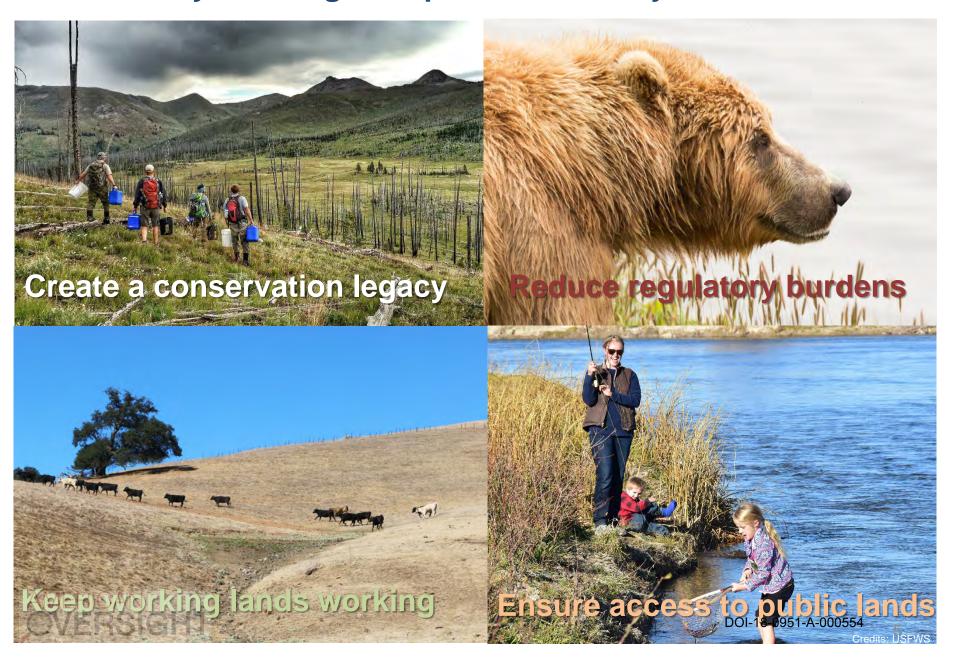








21st century challenges require 21st century solutions to...





Partnerships are engrained in our mission:

Working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people



Partnerships help provide access to our public lands so we can...

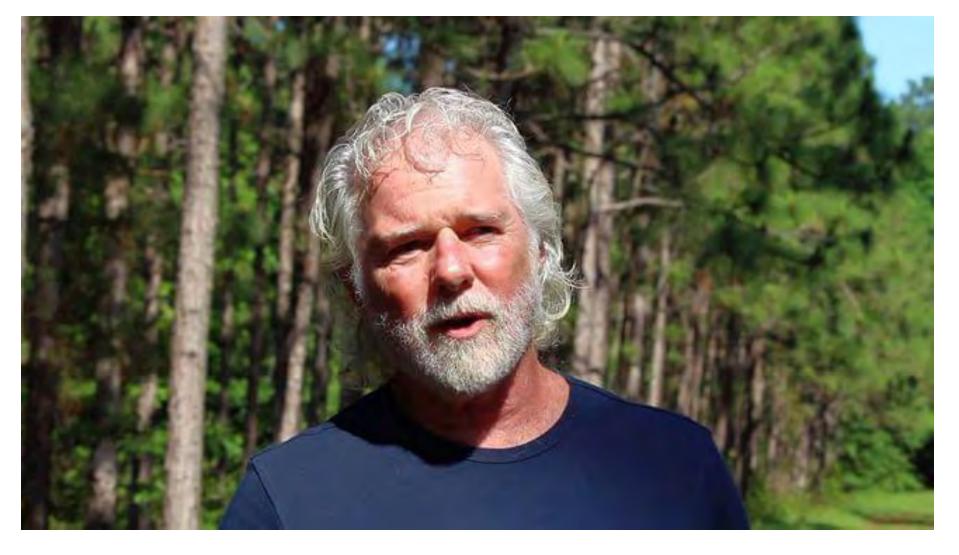












"This is a family heritage of stewardship of the land. We want to pass the land on to our daughters, and to our grandchildren."









We are at a pivotal time in our history.

What we do here, and now, will shape the world our descendants experience

for generations to come.

